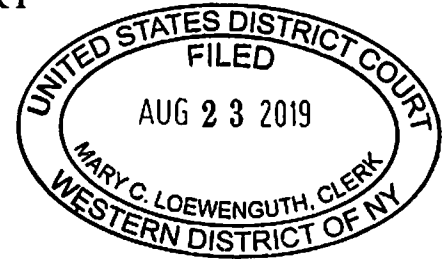


Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
Western District of New York

____ Division

Elisha Amir
~~Gordell D. Harris dba~~

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

-v-

EMILIA IRENE RODRIGUEZ

19 CV1120✓

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Elisha Amir Royal
Street Address	44 Lonsdale road
City and County	Buffalo Erie
State and Zip Code	New York
Telephone Number	716-551-4341
E-mail Address	greatroyalseal@protonmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name	EMILIA IRENE RODRIGUEZ
Job or Title <i>(if known)</i>	DISTRICT ATTORNEY
Street Address	25 DELAWARE AVENUE
City and County	BUFFALO ERIE COUNTY
State and Zip Code	NEW YORK 14208
Telephone Number	716-858-2424
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

4TH AMENDMENT , 6TH AMENDMENT , 11TH ADMENTMENT , TREATY OF PEACE AND FRIENDSHIP 1736
(42 U.S.C. 1983, 1985, 1986, 18 U.S.C. 241, 242, NYS VTL 509.1 AND 511(A))

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Cordell D. Harris , is a citizen of the
State of *(name)* New York

b. If the plaintiff is a corporation

The plaintiff, *(name)* , is incorporated
under the laws of the State of *(name)* ,
and has its principal place of business in the State of *(name)*

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* EMILIA IRENE RODRIGUEZ , is a citizen of
the State of *(name)* NEW YORK . Or is a citizen of
(foreign nation)

b. If the defendant is a corporation

The defendant, (name) EIRE COUNTY, is incorporated under
the laws of the State of (name) NEW YORK, and has its
principal place of business in the State of (name) NEW YORK.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):
ATTACHED EXHIBIT D

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

ON JANUARY 7TH 2019 A CASE WAS CREATED AGAINST CORDELL DARNAE HARRIS BY EMILIA IRENE RODRIGUEZ, THE NYS V&TL 509.1 AND 511(A) Forced a contract upon my person, refused to state her claim with verified proof, refused to adhere to the statutes and is misapplying and misappropriating the law. This neglect under 42 USC 1986 has continued since January 2019 and the defendant refuses to correct the injury caused. VIOLATION OF THE 4TH, 5TH, 6TH AND 11TH ADMENDMENT UNDER COLOR OF LAW, COLOR OF AUTHORITY. EMILIA RODRIGUEZ CLAIMS PLAINTIFF IS A COMMERCIAL CARRIER AND VIOLATED VEHICLE TRAFFIC LAWS NYS VTL 509.1 AND 511(A) , PLAINTIFF STATES CLAIMANT WAS NOT ENGAGE IN A REGUALTED EVENT OF COMMERCE. DEFENDANT MADE CLAIMS THAT WERE FALSE AND CAUSED INJURE TO PLAINTIFF.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Wherefore, plaintiff demands that this Honorable Court grants the following relief; SEE ATTACHED EXHIBIT D

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

SEE ATTACHED EXHIBIT D

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

~~8/20/2019~~

8/23/19

Signature of Plaintiff

Elisa Amir

Printed Name of Plaintiff

ELISA AMIR

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

**SPECIAL APPEARANCE ON MOTION
TO DEMAND FOR DISMISSAL FOR LACK OF A INJURED PARTY AND
CHALLENGE OF "AGENCY" OR STATE THE PROPER JURISDICTION**

This court is defined under FRCP Rule 4 (j) as a FOREIGN STATE as defined under 28 U.S.C. 1602-1611 FOREIGN SOVEREIGN IMMUNITY ACT (F.S.I.A.) is being judicially challenged and full disclosure of the true jurisdiction of this Court is now being demanded.

Any failure to disclose the true jurisdiction is a violation of 15 statutes at large, Chapter 249 (section 1), enacted July 27, 1868

IN THE BUFFALO CITY COURT OF BUFFALO, NEW YORK

CASE NO. CR-00551-19

PLAINTIFF

THE PEOPLE FOR THE STATE OF NEW YORK, STATE OF NEW YORK, COUNTY OF ERIE, CITY COURT OF BUFFALO, KEVIN J. KEANE, JOHN JOSEPH FLYNN, EMILIA IRENE RODRIGUEZ, CITY OF BUFFALO, OFC J. LOPEZ (000558), ERIKA WEBB

VS.

Elisha Amir, Propia Persona Sui Juris Indigenous Moor

The United States of America, We the People

The Organic Constitution of 1789

Harris, Cordell Darnae (NON- CORPORATE ENTITY)

Claimant, an Indigenous aborigine American Mauritanian

1st claim

I/we Harris: Cordell Darnae (herein after Claimant) who is by blood, one of the people domiciled on the land of North America Turtle Island land of the Moors, known as New York defacto colony. I am in full life Man, my Nationality to be placed on the face of the record is a Moor, Claimant is a "PROTECTED INDIVIDUAL" as stated per the U.S. Department of Justice, (8U.S.C.12, Claimant is, (challenging the jurisdiction under Article 1 sec. 8 clause 17, & demands to know the nature & cause of the action) also pursuant to FRCP rule 12.(B) (1) Lack of jurisdiction over the subject matter, 12 (B) (2)Lack of jurisdiction over the natural/private person.

Also pursuant to Title 28 USC 1602-1611 (Foreign Sovereign Immunities Act) which allows the jurisdiction of a court to be challenged, and a demand of proper jurisdiction to be stated.

Claimant notifies the court that Claimant is appearing specially and not generally to tend this matter and clear up any confusion. Claimant takes this action to see that the following laws, and court rules, which make it very clear that the courts are foreign to the people, are upheld, according to the judicial code of conduct rule 1.1, please see the following.

December 26th 1933 49 Statute 3097 Treaty Series 881 (Convention on Rights and Duties of States) stated CONGRESS replaced STATUTES with international law, placing all states under international law. (Please note the states, not the people was placed under international law).

· December 9th 1945 International Organization Immunities Act relinquished every public office of the United States to the United Nations. This action made all public officials even the courts a foreign state to the people thus the people have 11th amendment immunity. 22 CFR 92.12 through 92.31 FR Heading "Foreign Relationship" states that an oath is required to take office. Here again plaintiff shows that officials are foreign states.

Title 8 USC 1481 stated once an oath of office is taken citizenship is relinquished, thus you become a foreign entity, agency, or state. That means every public office is a foreign state, including all political subdivisions. (i.e. every single court is considered a separate foreign entity or state)

Title 22 USC (Foreign Relations and Intercourse) Chapter 11 identifies all public officials as foreign agents/state. This leaves no question as to any officials standing, as to that official being a foreign state.

Title 28 USC 3002 Section 15A states that the United States is a Federal Corporation and not a Government, including the Judiciary Procedural Section. Plaintiff is showing here the courts are actually corporations a private entity acting for profit.

Federal Rules of Civil Procedure (FRCP) 4 j states that the Court jurisdiction and immunity fall under a foreign State. (Here plaintiff shows clearly the court falls under the foreign state doctrine, so the people clearly have 11th Amendment Immunity from the courts & state legislator).

2nd Claim

The 11th Amendment states, The Judicial power of the United States shall not be construed to extend to any suit in law, or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." To file any cause of action with one these "Imaginary Persons" as Plaintiff is Fraud" 18 USC 1001 and Conspiracy against rights 18 usc 241. (A foreign entity, agency, or state cannot bring any suit against a United States citizen without abiding by all the for mentioned laws & the following laws/procedures.) Title 22 CFR

93.1-93.2 states that the Department of State has to be notified of any suit, and in turn have to notify the United States citizen of said suit. (Plaintiff has received no such notice this means the applicable laws have never been met to bring any charges forth}.

Title 28 USC 1330 states that the United States District Court has to grant permission for the suit to be pursued once the court has been supplied sufficient proof that the United States citizen is actually a corporate entity IE a person or persons. Here again Claimant has no knowledge of such action being done, or that claimant has ever been knowingly a person. Thus no jurisdiction has ever been established. It is important to note, that the American people do not meet the criteria, of a statutory person; & the Supreme Court agrees please see the following.

" 'in common usage, the term 'person' does not include the sovereign people, and statutes employing the (word person) are normally construed to exclude the sovereign people." Wilson v Omaha Tribe, 442 US 653 667, 61 L Ed 2d 153, 99 S Ct 2529 (1979) (quoting United States v Cooper Corp. 312 US 600, 604, 85 L Ed 1071, 61 S Ct 742 (1941). See also United States v Mine Workers, 330 US 258, 275, 91 L Ed 884, 67 S Ct 677 (1947)" Will v Michigan State Police, 491 US 58, 105 L. Ed. 2d 45, 109 S.Ct. 2304 b)

The sovereign American people are not a person in a legal sense" In re Fox, 52 N. Y. 535, 11 Am. Rep. 751; U.S.v. Fox, 94 U.S. 315, 24 L. Ed. 192.

Claimant, Cordell Darnae Harris, moves the Court to dismiss for lack of subject matter jurisdiction –Pursuant to rule CPLR 5015, subd (a), par 4) of the New York Rules of Civil Procedure, and also The 5th Amendment of the Constitution required that all persons within the United States must be given due process of the law and equal protection of the law.

A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

"There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v. Lavine, 415 U. S. 533

"The law provides that once state and federal Jurisdiction has been challenged, it must be proven. " Main v. Thiboutot, 100 S. Ct. 2502 (1980)

Jurisdiction can be challenged at any time. " and " Jurisdiction, once challenged cannot be assumed and must be decided. " Basso v. Utah Power & Light Co. 495 F 2nd 906, 910.

" Once challenged, jurisdiction cannot be assumed, it must be proved to exist. " Stuck v. Medical Examiners 94 Ca 2d 751. 211 P 2d 389.

3rd Claim

Claimant has no proof of verifiable evidence that an actual injured man or woman has been injured, claimant is not an employee of any municipality, federal or state government if this court objects then show proof, if this court fails and refuses to dismissal with extreme prejudice then claimant reserves the right to move this matter to the original jurisdiction. The presumption has been destroyed, rebutted, rebuked that Claimant was ever at any time a driver for hire, the County of Erie, State of New York, City of Buffalo, City Court of Buffalo, including its Employees and agents are guilty of filing false claims and causing great injury to claim.

" There is no discretion to ignore that lack of jurisdiction. " Joyce v. Us, 474 F2d 215.

" The burden shifts to the court to prove jurisdiction . " Rosemond v. Lambert, 469 F2d 416.

Where the court is without jurisdiction, it has no authority to do anything other than to dismiss the case."

Fontenot v. State, 932 S. W.2d 185 " Judicial action without jurisdiction is void. "-Id (1996)

" Criminal law magistrates have no power of their own and are unable to enforce any ruling. " V.T.C.A., Government Code sec. 54.651 et seq., Davis v. State, 956 S. W. 2d 555 (1997) Basso v. UPL, 495 F.2d 906

Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that " if a court is without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers."

Brook v. Yawkey, 200 F. 2d 633

Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)

Plaintiff knows that all the facts herein leave but one conclusion the city of buffalo and state of New York, and its employees is wholly without jurisdiction in both the subject matter & the natural/private person. Due to the fact the city and state being a corporate fictional entity and Claimant being a non-corporate

natural/private man the state cannot bring a claim or charge; only another flesh and blood natural men/women can lay claim against claimant. All "judicial power" of the "inferior courts" comes from the Judiciary Act of 1789, as did the Attorney General position. "Judicial power" comes from Article III, Section 2 of the Constitution. The Eleventh Amendment removed all "judicial power" in law, equity, treaties, contract law, and the right of the State to bring suit against the People. The positions of Attorney General and Prosecutor, of both the United States and the several states, come under the Judicial Branch not the Executive branch of the government. All attorneys come under the Judicial Branch and are judicial officers under the Supreme Court, not under the Secretary of State as licensed professionals, which means they can only represent the Court and not the People or the State. The Eleventh Amendment removed all "judicial power" from the "inferior courts" and the prosecutor's office as well as from all court officers in law, equity, and so forth. The Eleventh Amendment also makes a foreign state separation from the position of the Public Office positions to throw off the People. The People have Eleventh Amendment immunity, because there is no "JUDICIAL POWER" of the "inferior courts" and the People have Foreign Sovereign Immunity The Administrative Procedures Act, Title 5 – Government Organization and Employees Administrative Procedures Act part I – the agencies generally chapter 5 subchapter 2 – administrative procedure §551. Definitions. For the purpose of this subchapter – * (1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency.

The issue here is Claimant's right to face the accuser and Claimant's right to writ of Replevin for damages owing for breach of contract. The Sixth Amendment guarantees of a defendant's right "to be confronted with the witnesses against him" Therefore; this law requires the "Plaintiff" (Injured Party) be a physical human being natural person that can be cross examined. This is made applicable to the states by the Fourteenth Amendment. (*Brookhart v. Janis*, 384 U.S. 1, 3-4 [16 L.Ed.2d 314, 316-317, 86 S.Ct. 1245]; *Pointer v. Texas*, 380 U.S. 400, 403 [13 L.Ed.2d 923, 925, 85 S.Ct. 1065]; *Douglas v. Alabama*, 380 U.S. 415, 418 [13 L.Ed.2d 934, 937, 85 S.Ct. 1074].) A defendant also has a statutory right to confront-ting witnesses. (Pen. Code, § 686.) With this in mind the state trying to claim to be the accuser how will claimant, confront the accuser, who will take the stand as the city, state and the people of the state and its employees who filed a fraudulent complaint being a conflict of interest, and claim claimant has harmed them or broken their codes which claimant has no evidence of. Claimant is well aware the state and all other municipalities is a fictional corporate entity, how can one cause harm to fictional creation. The courts were clear in this matter, please see the following. This applies both with Federal Rules of Evidence and State Rules of Evidence.... there must be a competent first hand witness (a body). There has to be a real person making the complaint and bringing evidence before the court.

Corporations are paper and can't testify. "Manifestly, (such statements) cannot be properly considered by the court in the disposition of a case."

United States v. Lovasco (06/09/77) 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2d 752,

4th Claim

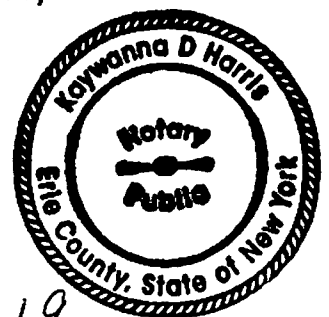
Should this Inferior City Court continue to allow this action to be brought before itself and/or the state court, the proceeding will be biased, bigoted, warped, lopsided, and in violation of the laws of due process in that the Respondent cannot receive a fair and impartial hearing before a court wherein:

- a. The "law", complete with monetary penalties and pseudo "criminal" penalties, was manufactured by the Plaintiff/state;
- b. The court belongs to the Plaintiff/state;
- c. The judge receives remuneration from the Plaintiff/state;
- d. The judge is subject to the regulatory agencies of the Plaintiff/state;
- e. The witnesses are on the payroll of the Plaintiff/state;
- f. The Private Police Officer is on the Payroll of the Plaintiff/State/City/County
- g. The Prosecutors are on the payroll of the Plaintiff/state/City of/County Of
- h. For a Magistrate to hear the case would violate subject matter jurisdiction and be a conflict of interest as the magistrate represents the city and/or state and the city and state is bringing the claim forth unlawfully thereby creating fraud on the court and filing false claims which is a felony under federal laws.

City Court Of Buffalo ousted of jurisdiction and State Of NEW YORK, County Of Erie, City Of Buffalo and The People of The State of NEW YORK, KEVIN J. KEANE, JOHN JOSEPH FLYNN, EMILIA IRENE RODRIGUEZ, CITY OF BUFFALO, OFC J. LOPEZ (000558), ERIKA WEBB or any other Municipality Entity/Employee in the City of Buffalo or State of New York is Bound to Cease and Desist full Estoppel shall not proceed in any other matter, any further until Jurisdiction and venue is proved to exist and placed on the record, Main v. Thiboutot, 100 S. Ct. 2502 (1980)

Elisha Anni Natural Man DATE: 7-23-19

Signature of Claimant (s)



1. Witness Calina Rich CL DATE: 7-22-19

WE THE PEOPLE FOR THE CONTINENTAL UNITED STATES OF AMERICA

Kaywana D Harris DATE 7/22/2019
Notary public signature 02HA6327914

Notary Seal _____ Exp: 7/20/2023

1 Cordell Harris, dba
2 1440 Jefferson Avenue
3 Buffalo, New York 14208

4 Elisha Amir
5 44 Lonsdale Road
6 Buffalo, New York

7 **ROBERT H. JACKSON**
8
9 **UNITED STATES DISTRICT COURT**
10 **STATE OF NEW YORK**

11 CORDELL DARNAE HARRIS DBA
12 & ELISHA AMIR, SUI JURIS PROPIA
13 PERSONA

14 Plaintiff,

15 vs.

16 JOHN JOSEPH FLYNN, EMILIA IRENE
17 RODRIGUZ, ERIE COUNTY, CITY OF
18 BUFFALO, KEVIN J. KEANE, STATE OF
19 NEW YORK, BUFFALO CITY COURT,
20 BUFFALO POLCE, Department of Motor
21 Vehicles, Mark J.K. Schroeder, Theresa L.
22 Egan, Gregory J. Kline, Heriberto Barbot, Janet
23 Ho, Thomas P. Higgins-, Timothy B. Lennon

24 Defendant

Case No.: 00551-19

COMPLAINT FOR DAMAGES
PURSUANT TO 42 USC § 1983
DEMAND FOR TRIAL BY JURY

25
26
27
28
Jurisdiction

(1) This court has jurisdiction under 28 U.S.C. § 1331. Federal question

jurisdiction arises pursuant to 42 U.S.C. § 1983, and 1985

(2) Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law,

(3) Title 18, U.S.C., Section 241 Conspiracy Against Rights,

(4) Title 42, U.S.C., Section 14141 Pattern and Practice,

(5) Title 18 U.S. Code § 1581 – Peonage

(6) UNITED STATES CODE, TITLE 42, SECTION 1988

(7) 42 U.S. Code § 1986 - Action for neglect to prevent

(8) 18 U.S. Code § 872 - Extortion by officers or employees of the United States

(9) 5 U.S. Code § 7311 - Loyalty and striking

(10) 5 CFR 2635.702

(11) 18 U.S. Code § 872 - Extortion by officers or employees of the United States

(12) 18 U.S. Code § 245 - Federally protected activities

Venue

2. Venue is proper pursuant to 28 U.S.C. § 1391 because the defendant is a government official and the plaintiffs live in this district. Venue is also proper by way of Title 42 U.S.C. § 1983, and 1985.

Parties

Plaintiffs

1. Plaintiff (Elisha Amir) in full life resides at 44 Lonsdale road, Buffalo New York. CR-00551-19

2. Co Plaintiff (Cordell Harris) dba, 44 Lonsdale road Buffalo New York. CR-00551-19

Plaintiffs will be appearing Sui Juris in plaintiffs Propia Persona.

Defendants

(1) Judge Kevin J. Keane 50 Delaware Avenue Buffalo NY. 14202. (716-847-8257)

(2) Prosecutor Attorney John Joseph Flynn 25 Delaware Avenue Buffalo NY. 14202. (716-858-4600)

(3) Asst Prosecutor Attorney Emilia Irene Rodriguez 25 Delaware Avenue Buffalo NY. 14202. (716-858-4600)

(4) State of New York CO/ States Attorney General New York State Attorney General Letitia James Office of the Attorney General The Capitol Albany, NY 12224-0341(212-416-8300)

(5) City of Buffalo CO/ Mayor Byron William Brown 65 Niagara Square Buffalo NY. 14202 (716-851-4841)

(6) County of Erie CO/ Erie Comptroller/Executive Board 95 Franklin Street.
Buffalo NY. 14202 (716-858-6000)

ALL PARTIES IN JOINDER UNDER TRIAL RULE 18 B-B2-19A-A1-2-2A
B) Joinder of remedies--Fraudulent conveyances. Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two [2] claims may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties. In particular, a plaintiff may state a claim for money and a claim to have set aside a conveyance fraudulent as to him, without first having obtained a judgment establishing the claim for money. And they are not upholding their Oaths and the constitution and failed to protect me from false imprisonment.

Rule 19. Joinder of person needed for just adjudication

(A) Persons to be joined if feasible. A person who is subject to service of process shall be joined as a party in the action if:

(1) In his absence complete relief cannot be accorded among those already parties; or

(2) He claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may:

(a) As a practical matter impair or impede his ability to protect that interest, or

STATEMENT OF FACTS IN TRUTH & LAW

Taking of any liberty, rights and "No state shall convert a liberty into a privilege, license it, and attach a fee to it." *Murdock v. Penn.*, 319 US 105 been deemed unconstitutional do to a lack In the Federal law (18 U.S. Code § 245) having no provisions for the separation of powers. Plaintiffs are being order to obey a statute that is unconstitutional plaintiffs have suffered ill treatment and infringement of plaintiffs unalienable rights to property, due process, and equal protection under the law. Plaintiff have been threaten, suffered coercions been illegally jailed there by denied liberty. Plaintiffs have been repeatedly subjected to searches seizers of property without due process of law. Plaintiff has sustained emotional injuries while in police custody. Plaintiff's wife on 1/7/2019 was released from the hospital when plaintiff was stopped for an "invalid registration". Having been put in a state of an effort in futility by the actions of the Magistrate(s) suffered numerous illegal jailing since 1998. Attorney General and other defendants have been served a letter of intent. [Note] All defendants are being sued in both defendants' private and corporate capacities.

CLAIM (1)

The FACTS OF LAW already say openly violating Plaintiff rights and with venomous disregard to plaintiff's liberty and the United States Constitution, see: "No state shall convert a liberty into a privilege, license it, and attach a fee to it." *Murdock v. Penn.*, 319 US 105 declared unconstitutional. So for the defendants cause of action against plaintiffs there is no jurisdiction in the matter, as a driver license is a privilege and not a protected right as the law is being misapplied was

1 declared unconstitutional in this alone constitutes that no jurisdiction could exist.
2 Because a license was found to be lacking, any provision for the separation of
3 powers act in the US Constitution in both the Federal and the state law. Plaintiff,
4 (challenged the jurisdiction under Article 1 sec. 8 clause 17) pursuant to trial rule
5 12. B (1) Lack of jurisdiction over the subject matter, 12 B (2) Lack of jurisdiction
6 over the person,

7 Then jurisdiction was simply assumed plaintiff was involved in classification of
8 business regulation, as a driver, commercial carrier. Once Plaintiff announced he
9 was taking his claim/charge to federal court, he was verbally bullied by Kevin J.
10 Keane, so plaintiffs decided to see what case law on this matter denotes. (Basso v
11 Utah power & light company 495, F 2d 906 910) Jurisdiction can be challenged at
12 any time and must be proven not assumed. (Latana v Hopper 102 2d 188) (Chicago
13 v New York 37 F SUPP 150) The court must prove on the record all jurisdiction
14 facts related to the jurisdiction asserted. (Also see plaintiff's Memorandum of
15 points and authority's on jurisdictional challenge)
16

17 One need only look to the American Jurisprudence to see what has
18 been decided prior on any unconstitutional law and the duties of a court officer.
19 American Jurisprudence 2nd 1964 vol. 16 CONSTITUTIONAL LAW § 177
20 Generally statute leaves the question that it purports to settle just as it would be had
21 the statute not been enacted. Since an unconstitutional law is void, the general
22 principles follow that it imposes no duties, confers no rights, creates no office,
23 bestows no power or authority on anyone, affords no protection, and justifies no
24 acts performed under it. A contract which rests on an unconstitutional statute
25 creates no obligation to be impaired by subsequent legislation.
26

27 No one is bound to obey an unconstitutional law and no courts are bound to
28 enforce it. Indeed, insofar as a statute runs counter to the fundamental law of the
land, it is superseded thereby. It is said that all persons are presumed to know the
law, meaning that ignorance of the law excuses no one; if any person acts under an

1 unconstitutional statute, he does so at his peril and must take the consequences.

2 Pg. 403 – 405

3
4 16Am Jur 2d., Const. Law Sec. 70:

5 “No public policy of a state can be allowed to override the positive guarantees of
6 the U.S. Constitution.”

7 **63C Am.Jur.2d, Public Officers and Employees, §247**

8 *“As expressed otherwise, the powers delegated to a public officer are held*
9 *in trust for the people and are to be exercised in behalf of the government*
10 *or of all citizens who may need the intervention of the officer. [1]*
11 *Furthermore, the view has been expressed that all public officers, within*
12 *whatever branch and whatever level of government, and whatever be*
13 *their private vocations, are trustees of the people, and accordingly labor*
14 *under every disability and prohibition imposed by law upon trustees*
15 *relative to the making of personal financial gain from a discharge of*
16 *their trusts. [2] That is, a public officer occupies a fiduciary relationship*
17 *to the political entity on whose behalf he or she serves. [3] and owes a*
18 *fiduciary duty to the public. [4] It has been said that the fiduciary*
19 *responsibilities of a public officer cannot be less than those of a private*
20 *individual. [5] Furthermore, it has been stated that any enterprise*
21 *undertaken by the public official which tends to weaken public confidence*
22 *and undermine the sense of security for individual rights is against public*
23 *policy.[6]”*

24
25 Still enlighten of this knowledge these defendants have chosen to act under the
26 statutes and misapply, misrepresentation of the law they knew their actions was
27 unconstitutional and was repeatedly informed so.

28 CLAIM (2)

Second issue is the 13th amendment Article I Section 10 Clause 1 of the
United States Constitution says (No State shall enter into any Treaty, Alliance, or
Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of
Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts;
pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of
Contracts, or grant any Title of Nobility.) As well here is Article I Section 9
Clause 3 No Bill of Attainder or ex post facto Law shall be passed. The next
question for one to ask, what exactly a bill of attainder is. The following is how
plaintiffs have found it described in law in Fact.

1 **"(Bill of Attainder"** means Legislative acts, no matter
 2 What their form, that applies either to named
 3 individuals or to easily ascertainable members of a
 4 group in such a way as to inflict punishment on them
 5 without a judicial trial. United States v. Brown, 381
 6 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484,
 492; United States v. Lovett, 328 U.S. 303, 315, 66
 S.Ct. 1073, 1079, 90 L.Ed. 1252.

7 An act is a "bill of attainder" when the
 8 Punishment is death and a "bill of pains and penalties"
 9 When the punishment is less severe [than death]; both
 10 Kinds of punishment fall within the scope of the
 11 Constitutional prohibition. U.S. Const. Art. I, Sec. 9,
 Cl. 3 (as to Congress); Art. I, Sec. 10 (as to state
 Legislatures). 1 **"Bill of pains and penalties."** See Bill of attainder,)

13 The New York State Bill of Rights Article 1, section 1 states: "No member
 14 of this state shall be disenfranchised (1), or deprived of any of the rights or
 15 privileges secured to any citizen thereof, unless by the law of the land, or the
 16 judgment of his or her peers. The Federal law 18 U.S.C. § 228 is a bill of attainder
 law. The laws do allow punishment without a trial.

17 By allowing the suspension; of plaintiff's driver license without a trial as
 18 punishment if one is believed to be in the rears. As well the license itself is a
 19 contract. In which the law is impairing the Obligation of Contract with the state.
 20 The drivers license a contract between plaintiffs and the state to perform
 commercially in a safe manner.

21 Thus making the misapplied statutes for Non-Commercial Carriers unconstitutional
 22 a second & third basis of fact. Also the matter of whether plaintiffs received a fair
 23 hearing in front of a lawful sitting judge per Public Officers Law §10, §15, §30
 24 **Failure of officer of political subdivision to take and deposit oath** (c) An
 25 individual appointed or elected to an office of a political subdivision must take the
 26 oath required by Public Officers Law §10, §15, §30 of this chapter and deposit the
 27 oath as required by Public Officers Law §10, §15, §30 of this chapter not later than
 28 thirty (30) days after the beginning of the term of office. Public Officers Law §15,
 If an individual appointed or elected to an office of a political subdivision does not
 comply with, the office becomes vacant.

The United States constitution protects certain rights for all men
 everywhere. Among these constitutionally protected rights are the pursuit of life,
 Liberty, and happiness.

If ever a judge understood these aforementioned rights including the public's
 right to use the public roads, it was Justice Tolman of the Supreme Court of the
 State of Washington. Justice Tolman stated: "Complete freedom of the highways is
 so old and well established a blessing that we have forgotten the days of the
 Robber Barons and toll roads, and yet, under an act like this, arbitrarily
 administered, the highways may be completely monopolized, if, through lack of
 interest, the people submit, then they may look to see the most sacred of their
 liberties taken from them one by one, by more or less a rapid
 encroachment." Robertson vs. Department of Public Works, 180 Wash 133, 147.

1 The words of Justice Tolman ring most prophetically in the ears of Citizens
 2 throughout the country today as the use of the public roads has been monopolized
 3 by the very entity which has been empowered to stand guard over our freedoms,
 4 i.e., that of state government.

5 As per the Supreme Court in Murdock v. Pennsylvania 319 US
 6 105, "A state may not, through a license tax, impose a charge for the enjoyment of a
 7 right granted by the Federal Constitution."

8 A "LICENSE" IS A FORM OF "TAX"

9 "... THE POWER TO TAX INVOLVES THE POWER TO
 10 DESTROY". McCULLOUGH v MARYLAND, 4 Wheat 316.

11 "All subjects over which the sovereign power of the state extends
 12 are objects of taxation, but those over which it does not extend are exempt from
 13 taxation. This proposition may almost be pronounced as self-evident. The
 14 sovereignty of the state extends to everything which exists by its authority or its
 15 permission." McCullough v Maryland, 17 U.S. [4 Wheat] 316 (1819).

16 Claimant/plaintiff has no record or evidence that Claimant has any nexus
 17 with the state in form of license granted, as per; "It is impossible to prove jurisdiction exists
 18 absent a substantial nexus with the state, such as voluntary subscription to license. All
 19 jurisdictional facts supporting claim that supposed jurisdiction exists must appear on the
 20 record of the court." Pipe Line v Marathon, 102 S. Ct. 3858 quoting Crowell v Benson
 21 883 US 22.

22 Claimant/plaintiff has no record or evidence Claimant is a "Licensee", as
 23 per; "Where a person is not at the time a licensee, neither the agency, nor any official has
 24 any jurisdiction of said person to consider or make any order. One ground as to want of
 25 jurisdiction was, accused was not a licensee and it was not claimed that he was." O'Neil
 26 v Dept Prof. & Vocations 7 CA 2d 398; Eiseman v Daugherty 6 CA 783

27 Claimant/plaintiff has no record or evidence that Claimant was employed
 28 for compensation as a "licensee" for the act so accused, as per: "Agency, or party sitting
for the agency, (which would be the magistrate of a municipal court) has no authority to
enforce as to any licensee unless he is acting for compensation. Such an act is highly
 penal in nature, and should not be construed to include anything which is not embraced

1 within its terms. (Where) there is no charge within a complaint that the accused was
 2 employed for compensation to do the act complained of, or that the act constituted part of
 3 a contract. " Schomig v. Kaiser, 189 Cal 596.

4
 5 Claimant/plaintiff has no record or evidence that Claimant ever granted
 6 jurisdiction as that of a "licensee", as per: "An action by Department of Motor Vehicles,
 7 whether directly or through a court sitting administratively as the hearing officer, must
 8 be clearly defined in the statute before it has subject matter jurisdiction, without such
 9 jurisdiction of the licensee, all acts of the agency, by its employees, agents, hearing
 10 officers, are null and void." Doolan v. Carr, 125 US 618; City v Pearson, 181 Cal. 640.

14 2nd Consideration Rights

15 The "most sacred of liberties" of which Justice Tolman spoke was
 16 personal liberty. The definition of personal liberty is: "Personal liberty, or the
 17 Right to enjoyment of life and liberty, is one of the fundamental or Natural Rights,
 18 which has been protected by its inclusion as a guarantee in the various
 19 constitutions, which is not derived from, or dependent on, the U.S. Constitution,
 20 which may not be submitted to a vote and may not depend on the outcome of an
 21 election. It is one of the most sacred and valuable Rights, as sacred as the Right to
 22 private property ... and is regarded as Unalienable.

23 "16 C.J.S., Constitutional Law, Sect.202, p.987 This concept is further
 24 amplified by the definition of personal liberty: "Personal liberty largely consists of
 25 the Right of locomotion -- **to go where and when one pleases** -- only so far
 26 restrained as the Rights of others may make it necessary for the welfare of all other
 27 citizens. The **Right** of the Citizen to travel upon the public highways and to
 28 transport his property thereon, by horse drawn carriage, wagon, or **automobile**, is
 not a mere privilege which may be permitted or prohibited at will, but the
 common Right which he has under his Right to life, liberty, and the pursuit of
 happiness.

Under this **Constitutional guarantee** one may, therefore, under normal
 conditions, travel at his inclination along the public highways or in public places,
 and while conducting himself in an orderly and decent manner, neither interfering
 with nor disturbing another's Rights, he will be protected, not only in his person,
 but in his safe conduct.

"II Am.Jur. (1st) Constitutional Law, Sect.329, p.1135 and further ...
 "Personal liberty -- consists of the power of locomotion, of changing situations, of
 removing one's person to whatever place one's inclination may direct, without
 imprisonment or restraint **unless by due process of law.**" Bovier's Law Dictionary,
1914 ed., Black's Law Dictionary, 5th ed.; Blackstone's Commentary 134; Hare,
Constitution, Pg. 777 Justice Tolman was concerned about the State prohibiting the
 Citizen from the "most sacred of his liberties," the Right of movement, the Right of

1 moving one's self from place to place without threat of imprisonment, the Right to
2 use the public roads in the ordinary course of life.

3 When the State allows the formation of a corporation it may control its
4 creation by establishing guidelines (statutes) for its operation (charters).
5 Corporations who use the roads in the course of business do not use the roads in
6 the ordinary course of life. There is a difference between a corporation and an
7 individual. The United States Supreme Court has stated: "...We are of the opinion
8 that there is a clear distinction in this particular between the people and a
9 corporation, and that the latter has no right to refuse to submit its books and papers
for examination, on the suit of the State. The Man/people may stand upon his/their
Constitutionally protected Rights as a Citizen.

10 He is entitled to carry on his private business in his own way. His power to
11 contract is unlimited. **He owes no duty to the State or to his neighbors to**
12 **divulge his business, or to open his doors to investigation, so far as it may tend**
13 **to incriminate him.** Hence one's 5th Amendment right, against self incrimination.
14 He owes no such duty to the State, since he receives nothing there from, beyond
15 the protection of his life, liberty, and property. His Rights are such as the law of the
16 land long antecedent to the organization of the state, and can only be taken from
17 him by due process of law, and in accordance with the Constitution. **Among his**
18 **Rights are the refusal to not incriminate himself, and the immunity of himself**
19 **and his property from arrest or seizure except under warrant of law.** He owes
20 nothing to the public so long as he does not trespass upon their rights."

21 "Upon the other hand, the **corporation** is a creature of the state. It is
22 presumed to be incorporated for the benefit of the public. It receives certain special
23 privileges and franchises, and holds them subject to the laws of the state and the
24 limitations of its charter. Its rights to act as a corporation are only preserved to it so
25 long as it obeys the laws of its creation. There is a reserved right in the legislature
26 to investigate its contracts and find out whether it has exceeded its powers. It
27 would be a strange anomaly to hold that the State, having chartered a corporation
28 to make use of certain franchises, could not in exercise of its sovereignty to inquire
how those franchises had been employed, and whether they had been abused, and
demand the production of corporate books and papers for that purpose." Hale vs.
Hinkel, 201 US 43, 74-75 Corporations engaged in mercantile equity fall under the
purview of the State's admiralty jurisdiction, and the public at large must be
protected from their activities, as they (the corporations) are engaged in business
for profit.

"...Based upon the fundamental ground that the sovereign state has the
plenary control of the streets and highways in the exercise of its police power (see
police power, *infra.*), may absolutely prohibit the use of the streets as a place for
the prosecution of a private business for gain. A private business for gain would be
taxi, Freight Company So On and so forth. They all recognize the fundamental
distinction between the **ordinary Right of the Citizen to use the streets** in the
usual way and the use of the streets as a place of business or a main instrumentality
of business for private gain. **The former is a common Right**, the latter is an
extraordinary use. As to the former, the legislative power is confined to regulation,
as to the latter, it is plenary and extends even to absolute prohibition. Since the use
of the streets by a common carrier in the prosecution of its business as such is not a
right but a mere license of privilege." Hadfield vs. Lundin, 98 Wash 516 It will be
necessary to review early cases and legal authority in order to reach a lawfully
correct theory dealing with this Right or "privilege." We will attempt to reach a

1 sound conclusion as to what is a "Right to use the road" and what is a "privilege to
2 use the road". Once reaching this determination, we shall then apply those
3 positions to modern case decision.

4 "Where rights secured by the Constitution are involved, there can
5 be no rule making or legislation which would abrogate them." Miranda vs.
6 Arizona, 384 US 436, 491 and ...

7 "The claim and exercise of a constitutional Right cannot be
8 converted into a crime." Miller vs. U.S., 230 F. 486, 489 and ... "There can be no
9 sanction or penalty imposed upon one because of this exercise of constitutional
10 Rights." Snerer vs. Cullen, 481 F. 946 Streets and highways are established and
11 maintained for the purpose of travel and transportation by the public. Such
12 travel may be for business or pleasure. "The use of the highways for the purpose
13 of travel and transportation is not a mere privilege, but a common and
fundamental Right of which the public and the individual cannot be rightfully
deprived." Chicago Motor Coach vs. Chicago, 169 NE 2271; Ligare vs. Chicago, 28
NE 934; Boon vs. Clark, 214 SSW 607;

14 25 Am.Jur. (1st) Highways Sect.163 and ... "The Right of the Citizen to
15 travel upon the public highways and to transport his property thereon, either by
16 horse drawn carriage or by automobile, is not a mere privilege which a city can
17 prohibit or permit at will, but a common Right which he has under the right to life,
18 liberty, and the pursuit of happiness." Thompson vs. Smith, 154 SE 579

19 So we can see that the people have a Right to travel upon the public
20 highways by automobile and the Citizen cannot be rightfully deprived of his
21 Liberty. So where does the misconception that the use of the public road is always
22 and only a privilege come from? "... For while a Citizen has the Right to travel
23 upon the public highways and to transport his property thereon, that Right does not
extend to the use of the highways, either in whole or in part, as a place of
incorporated business for private gain.

24 For the latter purpose, no person has a vested right to use the highways of
25 the state, but as a privilege or a license which the legislature may grant or withhold
26 at its discretion." State vs. Johnson, 243 P. 1073; Cummins vs. Homes, 155 P. 171;
Packard vs. Banton, 44 S. Ct. 256; Hadfield vs. Lundin, 98 Wash 516

27 Here the court held that a Citizen has the Right to travel upon the public
28 highways, but that he did not have the right to conduct business upon the
highways. On this point of law all authorities are unanimous. "Heretofore the court
has held, and we think correctly, that while a Citizen has the Right to travel upon
the public highways and to transport his property thereon, that Right does not
extend to the use of the highways, either in whole or in part, as a place of business
for private gain." Willis vs. Buck, 263 P. 1 982; Barney vs. Board of Railroad
Commissioners, 17 P.2d 82 and ... "The right of the citizen to travel upon the
highway and to transport his property thereon, in the ordinary course of life and
business, differs radically and obviously from that of one who makes the highway
his place of business for private gain in the running of a stagecoach or
omnibus." State vs. City of Spokane, 186 P. 864

What is this Right of the Citizen which differs so "radically and
obviously" from one who uses the highway as a place of business? Who better to
enlighten us than Justice Tolman of the Supreme Court of Washington State? In

1 State vs. City of Spokane, supra, the Court also noted a very "radical and obvious"
 2 difference, but went on to explain just what the difference is: "The former is the
 3 usual and ordinary right of the Citizen, a common right to all, while the latter is
 4 special, unusual, and extraordinary. "and ... "This distinction, elementary and
 5 fundamental in character, is recognized by all the authorities." State vs. City of
 Spokane, supra.

6 This position does not hang precariously upon only a few cases, but
 7 has been proclaimed by an impressive array of cases ranging from the state courts
 8 to the federal courts. "The right of the Citizen to travel upon the highway and to
 9 transport his property thereon in the ordinary course of life and business differs
 10 radically and obviously from that of one who makes the highway his place of
 11 business and uses it for private gain in the running of a stagecoach or omnibus. The
 12 former is the usual and ordinary right of the Citizen, a right common to all, while
 the latter is special, unusual, and extraordinary." Ex Parte Dickey, (Dickey vs.
 Davis), 85 SE 781 and ...

13 "The right of the Citizen to travel upon the public highways and to
 14 transport his property thereon, in the ordinary course of life and business, is a
 15 common right which he has under the right to enjoy life and liberty, to acquire and
 16 possess property, and to pursue happiness and safety. It includes the right, in so
 17 doing, to use the ordinary and usual conveyances of the day, and under the existing
 18 modes of travel, includes the right to drive a horse drawn carriage or wagon
 thereon or to operate an automobile thereon, for the usual and ordinary purpose
 of life and business." Thompson vs. Smith, supra.; Teche Lines vs. Danforth, Miss.,
 12 S.2d 784 There is no dissent among various authorities as to this position. (See
 19 Am. Jur. [1st] Const. Law, 329 and corresponding Am. Jur. [2nd].)

20 "Personal liberty -- or the right to enjoyment of life and liberty -- is
 21 one of the fundamental or natural rights, which has been protected by its inclusion
 22 as a guarantee in the various constitutions, which is not derived from nor
 23 dependent on the U.S. Constitution. ... It is one of the most sacred and valuable
 24 rights [remember the words of Justice Tolman, supra.] as sacred as the right to
 private property ... and is regarded as Unalienable."

25 16 C.J.S. Const. Law, Sect.202, Pg. 987 As we can see, the distinction
 26 between a "Right" to use the public roads and a "privilege" to use the public roads
 27 is drawn upon the line of "using the road as a place of business" and the various
 28 state courts have held so. But what have the U.S. Courts held on this point?

"First, it is well established law that the highways of the state are public
 property, and their primary and preferred use is for private purposes, and that their
 use for purposes of gain is special and extraordinary which, generally at least, the
 legislature may prohibit or condition as it sees fit." Stephenson vs. Rinford, 287 US
 251; Pachard vs Banton, 264 US 140, and cases cited;
Frost and F. Trucking Co. vs. Railroad Commission, 271 US 592; Railroad
 commission vs. Inter City Forwarding Co., 57 SW.2d 290; Parlett Cooperative vs.
 Tidewater Lines, 164 A. 313 So what is a privilege to use the roads?

By now it should be apparent even to the "learned" that an attempt to use the
 road as a place of business is a privilege. The distinction must be drawn between...

1. Travelling upon and transporting one's property upon the public roads,
 which is our Right; and ...

2. Using the public roads as a place of business or a main instrumentality of business, which is a privilege...

"[The roads] ... are constructed and maintained at public expense, and no person therefore, can insist that he has, or may acquire, a vested right to their use in carrying on a commercial business." Ex Parte Sterling, 53 SW.2d 294; Barney vs. Railroad Commissioners, 17 P.2d 82; Stephenson vs. Binford, supra.

"When the public highways are made the place of business the state has a right to regulate their use in the interest of safety and convenience of the public as well as the preservation of the highways." Thompson vs. Smith, supra.

"[The state's] right to regulate commercial use is based upon the nature of the business and the use of the highways in connection therewith." Ibid. "We know of no inherent right in one to use the highways for commercial purposes. The highways are primarily for the use of the public, and in the interest of the public, the state may prohibit or regulate ... the use of the highways for gain.

"Robertson vs. Dept. of Public Works, supra. There should be considerable authority on a subject as important as this deprivation of the liberty of the people *"using the roads in the ordinary course of life and business."* However, it should be noted that extensive research has not turned up one case or authority acknowledging the state's power to convert the people's right to travel upon the public roads into a *"privilege."*

Therefore, it is concluded that the Citizen does have a "Right" to travel and transport his property, upon the public highways and roads and the exercise of this Right is not a "privilege."

Again despite plaintiffs repeated notification of the unconstitutional statutes & the law plaintiff Elisha Amir ex Rel Cordell Harris, has been jailed some (12) times more or less approximately as a results of not having a commercial driver license. As a direct result of the NYS DMV statutes or actions derived from actions taken against plaintiff Elisha Amir, like license suspension with said statutes. Magistrate Kevin J. Keane has allowed false claims to not only be entered into a court case against Plaintiff but is the foundation that violates plaintiff's rights as a human man and New Yorker. Magistrate Keane stated he never received any mailings from plaintiff addressed to him even though plaintiff sent all mailings certified to the chief court clerk Erika Webb, through notary public. District Attorney John Joseph Flynn and Emilia Irene Rodriguez have filed false claims to prosecute Plaintiff though Commercial codes which plaintiff is not a party through any contract or obligation, plaintiff is one of the People on the

1 physical land and not a statutory corporation, the defendants have refused to show
 2 an injured party, verified claim, criminal complaint or party of interest and an
 3 actual plaintiff (Human being) to prove their claim by submitting testimony that is
 4 not verified or signed under penalty of perjury. Take Special Notice; a famous
 5 Supreme Court case, the Supreme Court ruled that testimonial statements that were
 6 not previously subjected to cross examination are inadmissible against a criminal
 7 defendant. See Crawford v Washington, 541 U.S. 36). Here again plaintiff has
 8 demanded to view the criminal complaint and affidavit but plaintiff's request has
 9 been denied or ignored. Again plaintiff demanded the foreign registration
 10 statement which was never delivered but the defendants have shown no proof to
 11 jurisdiction thus demanding plaintiff defend, and be subjected to the unfounded
 12 and misapplied, misrepresentation of the law and statutes has caused grievous
 13 injures to plaintiff's life, liberties, happiness and well-being.

14
 15 Title 28 USC 1330 states that the United States District Court
 16 has to grant permission for the suit to be pursued once the court has been
 17 supplied sufficient proof that the United States citizen is actually a
 18 corporate entity IE a person or persons. Here again plaintiff has no
 19 knowledge of such action being done. Thus no jurisdiction has ever been
 20 established. It is important to note, that the American people do not meet
 21 the criteria, of a statutory person; & the Supreme Court agrees please see
 22 the following.

23
 24 “In common usage, the term 'person' does not include the sovereign people, and
 25 statutes employing the (word person) are normally construed to exclude the
 26 sovereign people.' Wilson v Omaha Tribe, 442 US 653 667, 61 L Ed 2d 153, 99 S
 27 Ct 2529 (1979) (quoting United States v Cooper Corp. 312 US 600, 604, 85 L Ed
 28 1071, 61 S Ct 742 (1941). See also United States v Mine Workers, 330 US 258,
 275, 91 L Ed 884, 67 S Ct 677 (1947)" Will v Michigan State Police, 491 US 58,
 105 L. Ed. 2d 45, 109 S.Ct. 2304 b)

The sovereign American people are not a person in a legal sense" In re Fox, 52 N.
 Y. 535, 11 Am. Rep. 751; U.S.v. Fox, 94 U.S. 315, 24 L. Ed. 192.

1 5 U.S.C. § 556 : US Code - Section 556: Hearings; presiding employees;
 2 powers and duties; burden of proof; evidence; record as basis of decision

3 (d) Except as otherwise provided by statute, the proponent of a rule or order has
 4 the burden of proof. Any oral or documentary evidence may be received, but the
 5 agency as a matter of policy shall provide for the exclusion of irrelevant,
 6 immaterial, or unduly repetitious evidence. A sanction may not be imposed or rule
 7 or order issued except on consideration of the whole record or those parts thereof
 8 cited by a party and supported by and in accordance with the reliable, probative,
 9 and substantial evidence. The agency may, to the extent consistent with the
 10 interests of justice and the policy of the underlying statutes administered by the
 11 agency.
 12

13 • Title 28 USC 1608 (a) (b) (1) Service in the courts of the United States and of
 14 the States shall be made upon an agency or instrumentality of a foreign state: by
 15 delivery of a copy of the summons and complaint in accordance with any special
 16 arrangement for service between the plaintiff and the agency instrumentality •
 17 Meaning they must abide by the laws, and rules of how charges are to be
 18 brought forth. This would include
 19

20 Title 28 USC 1602-1611 (Foreign Sovereign Immunities Act) which
 21 allows the jurisdiction of a court to be challenged, and a demand of proper
 22 jurisdiction to be stated.
 23

24 • July 27th 1868 15 Statutes at Large Chapter 249 Section 1 “Acts
 25 Concerning American Citizens in a Foreign State”, expatriation, is what is
 26 broken when jurisdiction is demanded, and it is not met with a proper
 27 written answer as demanded by law & the US Supreme Court.
 28

• Under the Federal Rules of Civil Procedure 12b 6 the prosecution has failed
 to provide adequate proof that the parties involved in this situation, are actually

1 corporate entities. Plaintiff has provided ample proof that the prosecution and other
 2 agents are actually corporations under Title 28 USC 3002 Section 15A.
 3

4 Subject: Trinsey v. Pagliaro, 229 F.Supp. 647: when you read it
 5 you will find that it is THE case cited for FRCP 12(b) (6).
 6

7 Now, while what it says at 12(b) (6) is good, notice how plaintiff
 8 has highlighted some items from the actual decision, it goes MUCH further
 9 than 12(b) (6) does and we should also, keep in mind the two Maxims in
 10 Law, that are opposite sides of the same coin. ("Truth is Expressed in the
 11 Form of an Affidavit, & An Un-rebutted Affidavit stands as Truth in the
 12 Matter"). The ruling also stated clearly that ("An attorney for the plaintiff
 cannot admit evidence into the court. He is either an attorney or a
 witness"). So if the prosecutor is the states attorney, any affidavit entered
 by the prosecution is null and void as it contains no firsthand knowledge.
 13

14 (See exhibit verified facts affidavit of Plaintiff) Thus violating both plaintiffs,'
 15 inalienable rights to due process and equal protection under the law.

16 As well it is clear to all these actions stated clearly fall within the guidelines of the
 following Federal laws.

17 (1) Title 42, U.S.C., Section 14141 Pattern and Practice,

18 (2) Title 18, U.S.C., Section 241 Conspiracy Against Rights,

19 (3) Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law,

20 (4) This court has jurisdiction under 28 U.S.C. § 1331. Federal question
 21 jurisdiction arises pursuant to 42 U.S.C. § 1983, and 1985

22 (5) UNITED STATES CODE, TITLE 42, SECTION 1988
 23
 24

25 Let us examine what the American Jurisprudence says about such actions being
 26 taken: 16Am Jur 2d., Const. Law Sec. 155:
 27

28 "Since the constitution is intending for the observance of the judiciary as well
 as other departments of government and the judges are sworn to support its
 provisions, the courts are not at liberty to overlook or disregard its commands or
 counteract evasions thereof, it is their duty in authorized proceedings to give full
 effect to the existing constitution and to obey all constitutional provisions
 irrespective of their opinion as to the wisdom or the desirability of such provisions
 and irrespective of the consequences, thus it is said that the courts should be in our

1 alert to enforce the provisions of the United States Constitution and guard against
 2 their infringement by legislative fiat or otherwise in accordance with these basic
 3 principles, the rule is fixed that the duty in the proper case to declare a law
 4 unconstitutional cannot be declined and must be performed in accordance with the
 5 delivered judgment of the tribunal before which the validity of the enactment it is
 6 directly drawn into question. If the Constitution prescribes one rule and the statute
 7 then another in a different rule, it is the duty of the courts to declare that the
 8 Constitution and not the statute govern in cases before them for judgment.
 9
 10
 11

12 13 WHAT IS DUE PROCESS OF LAW

14 "The essential elements of due process of law are ... Notice and The
 15 Opportunity to defend." Simon vs. Craft, 182 US 427 Yet, not one individual has
 16 been given notice of the loss of his/her Right, let alone before signing the license
 17 (contract). Nor was the Citizen given any opportunity to defend against the loss of
 18 his/her right to travel, by automobile, on the highways, in the ordinary course of
 19 life and business. This amounts to an arbitrary deprivation of Liberty.

20 "There should be no arbitrary deprivation of Life or
 21 Liberty ..." Barbour vs. Connolly, 113 US 27, 31; Yick Wo vs. Hopkins, 118 US
 22 356 and ...

23 "The right to travel is part of the Liberty of which a citizen cannot
 24 deprived without due process of law under the Fifth Amendment. This Right was
 25 emerging as early as the Magna Carta." Kent vs. Dulles, 357 US 116 (1958) The
 26 focal point of this question of police power and due process must balance upon the
 27 point of making the public highways a safe place for the public to travel. If a man
 28 travels in a manner that creates actual damage, an action would lie (civilly) for
 recovery of damages.

The state could then also proceed against the individual to deprive him of his
 Right to use the public highways, for cause. This process would fulfill the due
 process requirements of the Fifth Amendment while at the same time insuring that
 Rights guaranteed by the U.S. Constitution and the state constitutions would be
 protected. But unless or until harm or damage (a crime) is committed, there is no
 cause for interference in the private affairs or actions of a Citizen.

One of the most famous and perhaps the most quoted
 definitions of due process of law, is that of **Daniel Webster** in his Dartmouth
 College Case (4 Wheat 518), in which he declared that by due process is meant: "a
 law which hears before it condemns, which proceeds upon inquiry, and renders
 judgment only after trial." See also State vs. Strasburg, 110 P. 1020; Dennis vs.
 Moses, 52 P. 333 Somewhat similar is the statement that is a rule as old as the law
 that: "no one shall be personally bound (restricted) until he has had his day in
 court, "by which is meant, until he has been duly cited to appear and has been
 afforded an opportunity to be heard. Judgment without such citation and
 opportunity lacks all the attributes of a judicial determination; it is judicial
 usurpation and it is oppressive and can never be upheld where it is fairly
 administered. (12 Am.Jur. [1st] Const. Law, Sect. 573, Pg. 269) **Note:** This sounds

1 like the process used to deprive one of the "*privilege*" of operating a motor vehicle
 2 "for hire." It should be kept in mind, however, that we are discussing the arbitrary
 3 deprivation of the Right to use the road that all citizens have "in common." The
 4 futility of the state's position can be most easily observed in the 1959 Washington
 Attorney General's opinion on a similar issue:

5 "The distinction between the Right of the Citizen to use the public highways
 6 for private, rather than commercial purposes is recognized ..."and ... "Under its
 7 power to regulate private uses of our highways, our legislature has required that
 8 motor vehicle operators be licensed (I.C. 49-307). Undoubtedly, the primary
 9 purpose of this requirement is to insure, as far as possible, that all motor vehicle
 10 operators will be competent and qualified, thereby reducing the potential hazard or
 11 risk of harm, to which other users of the highways might otherwise be subject. But
 12 once having complied with this regulatory provision, by obtaining the required
 13 license, a motorist enjoys the privilege of travelling freely upon the
 14 highways ..."Washington A.G.O. 59-60 No. 88, Pg. 11 This alarming opinion
 15 appears to be saying that every person using an automobile as a matter of Right,
 16 must give up the Right and convert the Right into a privilege. This is accomplished
 under the guise of regulation. This statement is indicative of the insensitivity, even
 the ignorance, of the government to the limits placed upon governments by and
 through the several constitutions. This legal theory may have been able to stand in
 1959; however, as of 1966, in the United States Supreme Court decision in
 Miranda, even this weak defense of the state's actions must fall.

17 "Where rights secured by the Constitution are involved, there can be no rule
 18 making or legislation which would abrogate them."Miranda vs. Arizona, 384 US
 19 436, 491 Thus the legislature does not have the power to abrogate the Citizen's
 20 Right to travel upon the public roads, by passing legislation forcing the citizen to
 21 waive his Right and convert that Right into a privilege. Furthermore, we have
 22 previously established that this "*privilege*" has been defined as applying only to
 23 those who are "*conducting business in the streets*" or "*operating for-hire vehicles*."
 The legislature has attempted (by legislative fiat) to deprive the Citizen of his
 Right to use the roads in the ordinary course of life and business, without affording
 the Citizen the safeguard of *due process of law*. This has been accomplished under
 supposed powers of regulation.

26 REGULATION

27 "In addition to the requirement that regulations governing the use of the
 28 highways must not be volatile of constitutional guarantees, the prime essentials of
 such regulation are reasonableness, impartiality, and definiteness or certainty."25
 Am.Jur. (1st) Highways, Sect. 260 and ...

"Moreover, a distinction must be observed between the regulation of
 an activity which may be engaged in as a matter of right and one carried on by
 government sufferance of permission."Davis vs. Massachusetts, 167 US 43;
 Pachard vs. Banton, supra. One can say for certain that these regulations are
 impartial since they are being applied to all, even though they are clearly beyond
 the limits of the legislative powers. However, we must consider whether such
 regulations are reasonable and non-violative of constitutional guarantees. First, let
 us consider the reasonableness of this statute requiring all persons to be licensed
 (presuming that we are applying this statute to all persons using the public roads).
 In determining the reasonableness of the statute we need only ask two questions:

1. Does the statute accomplish its stated goal?

The answer is No!

The attempted explanation for this regulation "*to insure the safety of the public by insuring, as much as possible, that all are competent and qualified.*" And insured

However, one can keep his license without retesting, from the time he/she is first licensed until the day he/she dies, without regard to the competency of the person, by merely renewing said license before it expires. It is therefore possible to completely skirt the goal of this attempted regulation, thus proving that this regulation does not accomplish its goal. Furthermore, by testing and licensing, the state gives the appearance of underwriting the competence of the licensees, and could therefore be held liable for failures, accidents, etc. caused by licensees.

2. Is the statute reasonable?

The answer is No unless applied only to those engaged in commerce!

This statute cannot be determined to be reasonable if applied to travelers since it requires to the Citizen to give up his or her natural Right to travel unrestricted in order to accept the privilege of being licensed and insured. The purported goal of this statute could be met by much less oppressive regulations, i.e., competency tests and certificates of competency before using an automobile upon the public roads. (This is exactly the situation in the aviation sector.) But isn't this what we have now?

The answer is No! The real purpose of this license and insurance is much more insidious. When one signs the license, he/she gives up his/her Constitutional Right to travel in order to accept and exercise a privilege. After signing the license, a quasi-contract, the Citizen has to give the state his/her consent to be prosecuted for constructive crimes and quasi-criminal actions where there is no harm done and no damaged property. These prosecutions take place without affording the Citizen of their Constitutional Rights and guarantees such as the Right to a trial by jury of twelve persons and the Right to counsel, as well as the normal safeguards such as proof of intent and a corpus delicti and a grand jury indictment. These unconstitutional prosecutions take place because the Citizen is exercising a privilege and has given his/her "*implied consent*" to legislative enactments designed to control interstate commerce, a regulatable enterprise under the police power of the state. We must now conclude that the Citizen is forced to give up Constitutional guarantees of "Right" in order to exercise his state "privilege" to travel upon the public highways in the ordinary course of life and business.

SURRENDER OF RIGHTS

A Citizen cannot be forced to give up his/her Rights in the name of regulation. "... the only limitations found restricting the right of the state to condition the use of the public highways as a means of vehicular transportation for compensation.

(1) That the state must not exact of those it permits to use the highways for hauling for gain that they surrender any of their inherent U.S. Constitutional

1 Rights as a condition precedent to obtaining permission for such use ..."Riley
2 vs. Laeson, 142 So. 619; Stephenson vs. Binford, supra.

3 (2) If one cannot be placed in a position of being forced to surrender Rights in
4 order to exercise a privilege, how much more must this maxim of law, then,
5 apply when one is simply exercising (putting into use) a Right to be that statute
6 which would deprive a citizen of the rights, person or property, without regular
7 trial, according to course and usage common law, law of the land.

8 (3) In Hoke vs. Henderson, 15 NC 15 and ... "We find it intolerable that ones
9 Constitutional Right should have to be surrendered in order to assert
10 another."Simons vs. United States, 390 US 389 Since the state requires that
11 one give up Rights in order to exercise the privilege of driving, the regulation
12 cannot stand under the police power, due process, or regulation, but must be
13 exposed as a statute which is oppressive and one which has been misapplied to
14 deprive the Citizen of Rights guaranteed by the United States Constitution and
15 the state constitutions. After all a citation/traffic ticket is really a tax.

16 Yet here again the defendant's have failed to observe their duty's under their
17 oath's taken in article 6 clause 3. In the interest of fairness let us examine what the
18 American Jurisprudence says about such actions being taken for a second time.

19 16Am Jur 2d., Const. Law Sec. 260:

20 "Although it is manifested that an unconstitutional provision in the statute is not
21 cured because included in the same act with valid provisions and that there is no
22 degrees of constitutionality." Owen v. Independence 100 Vol. Supreme Court
23 Reports. 1398: (1982) Main v. Thiboutot 100 Vol. Supreme Court Reports.
24 2502:(1982) "The right of action created by statute relating to deprivation under
25 color of law, of a right secured by the constitution and the laws of the United States
26 and comes claims which are based solely on statutory violations of Federal Law
27 and applied to the claim that claimants had been deprived of their rights, in some
28 capacity, to which they were entitled."

"Officers of the court have no immunity when violating constitutional
right, from liability"

(When any public servant violates your rights they do so at their own peril.)

Despite the defendants being informed of the unconstitutional nature of
the State and Federal Constitutions and Statutes, defendant's decided to move
forward in the chosen action, which shows clear intent, with malice and complete

1 forethought of the defendant's actions in the case in question. (See exhibit Verified
 2 Affidavit) However so as to be entirely fair let examine the American
 3 Jurisprudence for a third and final time to see the decisive action that should
 4 prevail. American Jurisprudence 2nd 1964 vol. 16 § 411 - Bills of Attainder
 5 Legislative acts, no matter what their form, that apply either to named individuals
 6 or to easily ascertainable members of a group in such a way as to inflict
 7 punishment on them without judicial trial are bills of attainder prohibited by the
 8 Constitution. The singling out of an individual for legislatively prescribed
 9 punishment constitutes a bill of attainder prohibited by Article 1, § 9, clause 3, of
 10 the Federal Constitution. Pg. 751 – 752- sec.177

11 Generally, the general rule is that an unconstitutional statute, though having the
 12 form and name of law, is in reality no law, but is wholly void, and ineffective for
 13 any purpose; since unconstitutionality dates from the time of its enactment, and not
 14 merely from the date of the decision so branding it, an unconstitutional law, in
 15 legal contemplation, is as inoperative as if it had never been passed.

16 So in our examination of the American Jurisprudence, there is no
 17 doubt left of the validity or the varsity of the claims which have been made. The
 18 malice and for thought are legitimate as the officials in question was informed of
 19 the unconstitutional nature of the statutes in question. (See exhibit Verified
 20 Affidavit)

CLAIM (3)

21 Plaintiff Cordell Harris attempted to have legal aid serve him under the
 22 following but was refused his right to any form of consul for the preceding, as
 23 legal aid refused to protect plaintiff's rights and submit evidence that was a direct
 24 and lawful defense, plaintiff had to relieve them of their duty for failure to honor
 25 plaintiff's rights as one of the people through plaintiff's Indigenous Aborigine Heir
 26 status. Do to the fact Defendants John Joseph Flynn; Emilia Irene Rodriguez and
 27 Kevin J. Keane are all paid through the same entity that is prosecuting plaintiff in
 28 said proceeding. There by denying due process of law. Under Amendement V and
Amendement XIV Section 1

1 Federal Rights Civil Proc. Rule 17, 28 U.S.C. A "Next Friend "a next friend is
2 a person who represents someone who is unable to tend to his or her own interest.

3 NAACP V. Button (371 U.S. 415) United Mineworker of America V. Gibbs
4 (383 U.S. 715) and Johnson V Avery 89 S. Ct. 747 (1969) Members of groups who
5 are competent non lawyer can assist other members of the group achieve the goal
6 of the group in court without being charged with" Unauthorized practice of law.

7 "The practice of law cannot be license by any state/state. Schwere V. Board of
8 Examiners. United States Reports 353 U.S. pgs. 238, 239, in Sims V. Aherns, 271
9 S.W. 720 (1925) "The practice of law is an occupation of common rights."

10 As to the question of whether this case law applies as well as federal law
11 applies see Howlett V. Rose, 496 U.S. 356 (1990) Federal Law and Supreme Court
cases apply to State court cases.

12 Plaintiff also notes (Howlett V. Rose, 496 U.S. 356 (1990) is its self a (NEXT
13 FRIEND) filing. If the courts also claimed improper format of plaintiff's
14 paperwork in order to ignore pleadings which format is irrelevant in nature.
15 Picking V. Pennsylvania R. Co.151 Fed. 2nd. Pucket V. Cox 456 2nd 233. Pro Se
16 pleadings are to be considered in regards to technicality; pro se litigant's pleadings
are not to be held to the same high standards of perfection as an attorney.

17 Plaintiffs was never given chance to amend the format issue the court claimed
18 existed and the court was required under case law to do so. Platsky V. C.I.A. 953
19 F. 2d. 25 additionally. Pro se litigants are to be given reasonable opportunity to
20 remedy the defects in their pleadings. Reynolds V. Shillinger 907 F. 124,126 (10th
21 cir. 1990) See also Jaxon V. Circle K Corp. 773.F.2d.1138,1140 (10th cir. 1985)

22 CLAIM (4)

23 The state of New York NYS V&TL violates the federal organic constitution 4th
24 amendment, 6th amendment also violates the 14th and the 5th amendment under the
25 due process clause and the 14th again in the equal protection under the law clause,
26 as it assumes everyone is a Commercial Motorist which now brings a bigger issue
27 of denied and stolen wages against the STATE OF NEW YORK, NYS Department
of Motor Vehicles etc.

28 Amendement XIV Section 1 nor shall any State deprive any person of life,
liberty, or property, **without due process of law**; nor deny to any person within its
jurisdiction the **equal protection of the laws**.

Amendement V In all criminal prosecutions, the accused shall enjoy the right
to a speedy and public trial, by an impartial jury of the State and district wherein
the crime shall have been committed, which district shall have been previously
ascertained by law, and to be informed of the nature and cause of the accusation; to
be confronted with the witnesses against him; to have compulsory process for
obtaining witnesses in his favor, and to have the Assistance of Counsel for his
defense

It violates the 5th and 14th amendments due process clause by
allowing the false claims and prosecutor(s) to create a crime that an individual

1 might criminate themselves and consent to a foreign jurisdiction over the subject
 2 matter without ever holding a hearing to determine the individual's guilt in the
 3 matter. It also violates the equal protection under the law clause in the 14th
 4 amendment as it allows a specific group of people, to now be jailed for a civil
 5 action. This action alone makes the state law section 511[Article 20] -
 6 discriminatory in nature as a particular group, is being singled out for civil actions
 7 and jailed. The Courts have already ruled contrary to the matter of jail time for
 8 civil actions.
 9
 10
 11

12 CIVIL DISPUTES CANNOT BE CAUSE FOR ARREST

13 Allen v City of Portland 73 F.3d 232 (9th cir. 1995) (Citing cases from
 14 U.S. Supreme Court, Fifth, Seventh, Eighth, and Ninth Circuits) By definition
 15 PROBABLE CAUSE can only exist in relation to criminal conduct; CIVIL
 16 disputes cannot give rise for arrest. (See exhibit Memorandum on Jurisdiction)
 17
 18

19 CLAIM (5)

20 Title 18 U.S. Code § 1581 – Peonage

21 Plaintiff believes driver's licenses are being misapplied,
 22 misrepresented and falls well within the guidelines of being a form of Peonage.
 23 One only need look at the definition provided in the law to see the extreme
 24 similarities) Whoever holds or returns any person to a condition of peonage, or
 25 arrests any person with the intent of placing him in or returning him to a condition
 26 of peonage, shall be fined under this title or imprisoned not more than 20 years, or
 27 both. If death results from the violation of this section, or if the violation includes
 28 kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to
 commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined
 under this title or imprisoned for any term of years or life, or both. (b) Whoever
 obstructs, or attempts to obstruct, or in any way interferes with or prevents the

1 enforcement of this section, shall be liable to the penalties prescribed in subsection
 2 (a).

3
 4 Definition (Debt peonage, also known as debt servitude, is a method of
 5 debt repayment in which an individual makes his payments to a creditor by
 6 physical labor. This form of payment was more common in the past when
 7 economies were driven by crops and physical labor. It does, however, continue in
 8 many underdeveloped areas of the world) as plaintiff has had his private
 9 information stored in the New York State Department of Motor Vehicles databases
 10 and has not received compensation of wages for being classified, prosecuted,
 11 injured by the state and its agents as a carrier for 32years.

12
 13 Here plaintiffs are being **Court Ordered** to defend against the fictional state as
 14 the plaintiff and its agents, employee(s) or go to jail if claimant fails it defense only
 15 to give up a portion of earnings from the plaintiff's labor so as to satisfy a claim of
 16 debt to another. Plaintiffs clearly see this as a form of (Debt peonage).

21 CLAIM (6)

22 Now we will examine the City and City Police's claim of their right to
 23 confiscate plaintiff's body during traffic stops as a result of the aforementioned
 24 license suspension, fraudulent warrant. The question here was could they impound
 25 plaintiff's human body without due process of law? For the answer one must go
 26 again go to American Jurisprudence, the law (title IX>Article 45: §1800, §1801
 27 infraction)

28 (Except as provided in sections 511-1, 511-2 of this chapter, a person
 who operates a motor vehicle upon a highway while the person's driving
 privilege, license, or permit is suspended or revoked commits a Class A infraction.)

*As added by P.L.32-2000, SEC.1 And NYSL, VTL Article 14§401: (Registration
 of MOTOR Vehicles; fees; renewals.) 1. Registration by owners. A. No motor*

1 vehicle shall be operated or driven upon the public highways of this state without
2 first being registered. And the US Constitution.

3
4 American Jurisprudence 2nd 1964 vol. 16 § 362 Nature of Right guaranteed the
5 right of property is a fundamental, natural, inherent, and inalienable right..... In
6 fact, it does not owe its origin to the constitutions which protect it, for it existed
7 before them. It is sometimes characterized judicially as a sacred right, the
8 protection of which is one of the most important objects of government. Pg. 691

9
10 American Jurisprudence 2nd 1964 vol. 16§ 373 Rights of Contract

11
12 Liberty of contract involves, as one of its essential attributes, the right to terminate
13 contracts,Valid contracts are **property** and as such are protected from being
14 taken **without just compensation**,The United States Supreme Court has stated
15 that freedom to contract is the essence of freedom from undue restraint on the right
16 to contract. Other courts have stated that the liberty to make contracts includes the
17 corresponding right to refuse to accept a contract or to assume such liability as may
18 be proposed. The right of liberty of contract is inherent and inalienable. It belongs
19 to every citizen by the law of the land; every man has the right freely to deal, or to
20 refuse to deal, with his fellow men. Pg. 706 – 707

21
22 Amendment XIV Section 1 **nor shall any State deprive any person**
23 of life, liberty, or **property, without due process of law**; nor deny to any person
24 within its jurisdiction **the equal protection of the laws**. United States V. LEE 106
25 U.S. 196 IF OFFICERS OR AGENTS OF THE UNITED STATES TAKE
26 PROPERTY FOR THE USE OF THE United States AND NO COMPENSATION
27 IS PAID FOR THE PROPERTY THE OWNER MAY SUE AGENTS OR
28 OFFICERS TO RECOVER THEIR PROPERTY.

Well it is clear now the answer is NO as due process only takes place in the Court Room. So it is clear to see at this point plaintiff's property was stolen and illegally impounded then bonds created without due process. As well defendants have violated plaintiff's right to equal protection under the law by the defendant's

1 actions taken. Warnock V. Pecos County. Tex. 88 3d. 341(5th Cir. 1996) Eleventh
2 Amendment does not protect State officials from claims for prospective relief
3 when it is alleged that state officials acted in violation of federal law
4

5 As hard as it is for those corporate police employees within law departments
6 to believe, there is no room for speculation in these court decisions. Americans do
7 indeed have un-a-lien-able rights to use the roadways unrestricted in any manner as
8 long as they are not damaging or violating property or rights of others. STATE
9 corporations -- in suggesting the people to obtain drivers licenses, and accepting
10 vehicle inspections and DUI/DWI roadblocks without question -- is restricting, and
11 therefore violates, the people's common-law right to travel.
12

13
14 Actual facts state that case law is overwhelming in determining that there shall be
15 no restriction of movement of freeborn people in exercise of our right to travel.

16 Let us look, once again, to the U.S. courts for a determination of this
17 very issue. In Hertado v. California, 110 US 516, the U.S Supreme Court states
18 very plainly:

19 "The state cannot diminish rights of the people."

20 And in Bennett v. Boggs, 1 Baldw 60, "Statutes that violate the plain and obvious
21 principles of common right and common reason are null and void." Would we not
22 say that these judicial decisions are straight to the point -- that there is no lawful
23 method for government to put restrictions or limitations on rights belonging to the
24 people? Other cases are even straighter forward: "The assertion of federal rights,
25 when plainly and reasonably made, is not to be defeated under the name of local
26 practice." Davis v. Wechsler, 263 US 22, at 24 "Where rights secured by the
27 Constitution are involved, there can be no rule making or legislation which would
28 abrogate them." Miranda v. Arizona, 384 US 436, 491.

"The claim and exercise of a constitutional right cannot be converted
into a crime." Miller v. US, 230 F 486, at 489.

There can be no sanction or penalty imposed upon one because of
this exercise of constitutional rights." Sherer v. Cullen, 481 F 946 we could go on,
quoting court decision after court decision; however, the Constitution itself
answers our question - Can a government legally put restrictions on the rights of
the American people at anytime, for any reason? The answer is found in Article
Six of the U.S. Constitution:

1 "This Constitution, and the Laws of the United States which shall be
 2 made in Pursuance thereof;... shall be the supreme Law of the Land;
 3 and the Judges in every State shall be bound thereby, any Thing in the Constitution
 4 or laws of any State to the Contrary notwithstanding." In the same
 5 Article, it says just who within our government that is bound by this Supreme Law:
 6 "The Senators and Representatives before mentioned, and the Members of the
 7 several State Legislatures, and all executive and judicial Officers, both of the
 8 United States and of the several States, shall be bound by Oath or Affirmation, to
 9 support this Constitution..." Here's an interesting question. Is ignorance of these
 10 laws an excuse for such acts by officials? If we are to follow the letter of the law,
 11 (as we are sworn to do), this places officials who involve themselves in such
 12 unlawful acts in an unfavorable legal situation. For it is a felony and federal crime
 13 to violate or deprive citizens of their constitutionally protected rights. Our system
 14 of law dictates that there are only two ways to legally remove a right belonging to
 15 the people. These are:

- 17 1. by lawfully amending the constitution, or
- 18 2. by a person knowingly waiving a particular right.

19 Due to the American Jurisprudence discovered in plaintiffs research another
 20 question arose. Was plaintiff ever liable to even posses a Driver's license or carry
 21 insurance? So once again we must go to case law, the US Constitution and
 22 American Jurisprudence along with the law (sections 511-1, 511-2): Class A
 23 infraction). Please see the (Clarified Doctrine/Verified Affidavit brief) which
 24 supports this in detail, and gives the astounding answer (NO plaintiffs were and
 25 still are not required to have a license). So upon reading support brief, which
 26 leaves no possible conclusion of the facts other then plaintiff was clearly in no
 27 violation of law. One must ask why was plaintiff's body taken as surety for a
 28 foreign debt/stolen and sold? Then plaintiff knew traffic stops are considered to be
 a civil action. Plaintiff already demonstrated civil action cannot give rise to arrest,
 yet plaintiff was kidnapped / falsely arrested under color of law through a false
 warrant claim for a violation plaintiff never made.

The claim was operating a VTL 0511 01 A (AUO), VTL 0509 01 motor vehicle
 without a license/driving while suspended so to determine whether or not plaintiff
 broke the law Title V, Article 20 section 510: Class A infraction) we must first
 examine what a motor vehicle is. For this we go to title 18 sec 31 definitions

Title 18 sec 31 Definitions

Motor Vehicle. — The term “motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo

The word (and) in law means- Required, so now we must review (**used for commercial purpose**) to understand what constitutes a motor vehicle.

Title 18 sec 31 Definitions

Used for commercial purposes.— The term “used for commercial purposes” means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

So far plaintiffs couldn't be operating a motor vehicle as plaintiffs were not operating in a commercial aspect. Plaintiff was merely traveling about for basic day to day tasks. Now let us go one step further to check some other definitions in law so we make no mistakes.

Traffic - Bevier's (1856)

Commerce, trade, sale or exchange of merchandise, bills, money and the like. This is still in the commercial category hence plaintiff still has done nothing wrong which constitutes a criminal action.

Driver - Black's 3rd

One employed in conducting or operating a coach, carriage, wagon, or other vehicle, with horses, mules, or other animals, or a bicycle, tricycle, or motor car, though not a street railroad car .See Davis v. Petrinovich, 112 Ala. 654, 21 So. 344, 36 L.R.A. 615; Isaacs v. Railroad Co., 7 Am. Rep. 418, 47 N.Y. 122.

Plaintiffs are defiantly not a paid driver/carrier here to, it is still commercial in nature.

Traveler - Blacks 3rd

One who passes from place to place, whether for pleasure, instruction, business or health. Lockett v. State, 47 Ala. 45; 10 C.B.N.S. 429. The term is used to designate those who patronize inns; the distance which they travel is not material. Walling v. Potter, 35 Con. 185.

1 **49 U.S. Code § 32901 - Definitions**

2 (3) except as provided in section 32908 of this title, "automobile"

3

4 means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel,

5 manufactured primarily for use on public streets, roads, and highways and rated at

6 less than 10,000 pounds gross vehicle weight, except—

7

8 So in the review of the above for mentioned definitions and

9 review of the support brief it is clear to plaintiffs, that only traveler fits

10 plaintiff's usage of plaintiff's private automobile. The problem is plaintiffs

11 was falsely arrested and kidnapped/jailed. Then held against plaintiffs will

12 on a civil matter, as well plaintiff private property/finger prints, photo were

13 impounded/stolen under false claims. One only need look at American

14 Jurisprudence to see plaintiff has a **right to travel**. These actions violated

15 plaintiffs inalienable rights against unlawful detainment in 4th due process

16 5th & 14th amendments, and the 5th & 14th again for illegal confiscation of

17 plaintiff's property.

18

19

20

21

22 American Jurisprudence 2nd 1964 vol. 16 § 359 Elements

23 Personal liberty largely consists of the right of locomotion - to go where and

24 when one pleases - only so far restrained as the rights of others may make it

25 necessary for the welfare of all other citizens. Under this constitutional guaranty

26 one may, therefore, under normal conditions, travel at his inclination along the

27 public highways or in public places, and while conducting himself in an orderly

28 and decent manner, neither interfering with nor disturbing another's rights, he will

be protected, not only in his person, but in his safe conduct. Pg. 686

The very meaning of sovereignty is that the decree of the sovereign makes law American Banana Co. v United Fruit Co. 29 S. Ct. 511, 513 213 U.S. 347 53 L.Ed 826, 19 Ann. Cas. 1047.

Sovereign = A chief ruler with supreme power; a king or other ruler with limited power, an action against a foreign sovereign is not maintainable

1 44 L. Rep. N.S. 199.

2 The people of the state are entitled to all rights which formerly belong
3 to the king, by his prerogatives. *Lansing v Smith* 4 Wendell 9,20 (N.Y.) (1829)

4 The US Supreme Court rules in *Urtetiquil v. D'Arcy* 34 US 692;

5
6 "Where plaintiff, suing in the circuit court of the united states for the district
7 of Maryland, alleges that he is a citizen of Maryland, an affidavit signed by
8 him in a suit brought in a state court, reciting that he was not a citizen of the
9 united States, thereby procuring a removal of the case to the federal court, is
10 admissible on defendant's behalf." The U.S. Constitution Article 4, Section
11 2 guarantees "Privileges and Immunities" to Citizens of each state, K
12
13 *Tashiro v. Jordan* 256 P 545, was later affirmed by US Supreme Court in
14 278 US 123: "There is clear distinction between national and State
15
16 Citizenship, U.S. Citizenship does not entitle citizen of the privileges and
17 immunities of the Citizen of the State" Plaintiff affirms, claims, confirms
18 and declares plaintiff is a New Yorker, a New York Republic State Citizen
19 and is entitled to the rights guaranteed by Article 4, Section 2). And is
20 protected by the Organic U.S. Constitution 1777-1789 "The rights of
21 Citizens of the States, as such, are not under the consideration in the 14th
22
23 fourteenth amendment, they stand as they did before the adoption of the
24 fourteenth amendment and are fully guaranteed by other provisions." *United*
25
26
27
28 *States v 24 Federal Cases* 829, 830 (1873).

It will be admitted on all hands that with the exceptions of the powers granted through the constitution to the states and Federal Government that the people of the several states are unconditionally sovereign within their respective states

Ohio L. Inns & T. Co. v Debolt 16 How. 416, 14 L.Ed. 997.

A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends. *Kawananakoa v Polyblank* 205 U.S. 349, 353 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907)

1 It is a general rule that the sovereign cannot be sued in his own court without
2 consent and hence no direct judgment can be rendered against him therein for cost,
3 except in the manner and on the condition he has proscribed.

4 40 La. Ann. 856," Bouvier's Law Dictionary Vol. 1(1897)

5 No action can be taken against the sovereign in non-constitutional courts of
6 either the United States or the state courts & any such action is considered the
7 crime of barratry. (Barratry is an offense at common law)

8 State v Batson 17 S.E. 2d 511, 512, 513

9 "Bouvier's Law Dictionary (1914),"Maxim,"p.2149, (No
10

11 legislative body or man can convey any authority or jurisdiction he does not
12 possess over common Rights vested by God in another. Because legislative
13 powers are limited, all powers derived from legislative acts are limited).
14

15 The Basic principle here is clear, if one doesn't agree with the
16 body politic they cannot be held liable to the body politics suggestions as to
17 what they should do. Unless a jury of their peers decides it is such an
18 atrocious act they must do it, a jury of 12 peers. One's peer is above all one
19 who thinks and understands who they are and understands what law is.
20
21

22 16Am Jur 2d., Const. Law Sec. 70:

23 "No public policy of a state can be allowed to override the positive guarantees of
24 the U.S. Constitution."
25

26 Now here again to be fair let us examine some case law in the matter.
27

28 Seth Waxman, Solicitor General, U.S. Department of Justice ("The activity
licensed by state DMVs and in connection with which individuals must submit
personal information to the DMV - the operation of motor vehicles -(**is itself
integrally related to interstate commerce**"). Seth Waxman, Solicitor General
U.S. Department of Justice BRIEF FOR THE PETITIONERS Reno v. Condon,
No. 98-1464, decided January 12, 2000 see also Williams vs fears, State vs Perry,
Thompson vs smith Supreme Court of the United States)

Now plaintiff have made clear the nature in which a license is
required as well as insurance along with other aspects, such as registration and
license plates for the automobile it isn't required but, for a motor vehicle which is
used commercially it is. This shows the Buffalo City police's as well as the State
of New York, Erie County district Attorney clear intent to deprive plaintiff of
liberty or property for exercising plaintiff's right to travel.

Whether it was done by ignorance of the law or with the intent to cause grief and/or harm defendants is liable for said actions. To prove the defendants are liable once again we go to American Jurisprudence.

16Am Jur 2d., Const. Law Sec. 260:

“Although it is manifested that an unconstitutional provision in the statute is not cured because included in the same act with valid provisions and that there is no degrees of constitutionality.” Owen v. Independence 100 Vol. Supreme Court Reports. 1398: (1982)

Main v. Thiboutot 100 Vol. Supreme Court Reports. 2502:(1982)

“The right of action created by statute relating to deprivation under color of law, of a right secured by the constitution and the laws of the United States and comes claims which are based solely on statutory violations of Federal Law and applied to the claim that claimants had been deprived of their rights, in some capacity, to which they were entitled.” “Officers of the court have no immunity when violating constitutional right, from liability”

(When any public servant violates Plaintiff's rights they do so at their own peril.)

By this point plaintiff believe their claims are clear plaintiffs believe that plaintiffs have demonstrated just cause with in this brief and the support brief affidavit in fact. Furthermore plaintiff is correct in the action taken. Now plaintiffs understand how one may say well you plead guilty. Now in respect of such a claim does it matter if the courts change the definition of words then don't tell those who come before them it has a different meaning than commonly known. After much thought plaintiffs decided to see what the law said about such actions.

Federal False claim acts (31 USC §§3729-3733) the false claims act ('FCA') provides, in pertinent part, as follows: §3729. False claims

(a) Liability for certain acts.—(2) In general.—Subject to paragraph (2) , any person who—

(A) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

1 (B) Knowingly makes uses, or causes to be made or used, a false record or
2 statement material to a false or fraudulent claim;

3 (C) Conspires to commit a violation or subparagraph (A), (B), (D), (E), (F), or
4 (G);

5 (D) Has possession, custody or control of property or money used, or to be used,
6 by the Government and knowingly delivers, or causes to be delivered, less than all
7 of that money or property;

8 (E) is authorized to make or deliver a document certifying receipt of property
9 used, or to be used, by the Government and, intending to defraud the Government,
10 makes or delivers the receipt without completely knowing that the information on
11 the receipt is true;

12 (F) knowingly buys, or receives as a pledge of an obligation or debt, public
13 property from an officer or employee of the Government, or a member of the
14 Armed Forces, who lawfully may not sell or pledge property; or

15 (G) knowingly makes, uses, or causes to be made or used, a false record or
16 statement material to an obligation to pay or transmit money or property to the
17 Government, or knowingly conceals or knowingly and improperly avoids or
18 decreases an obligation to pay or transmit money or property to the Government, is
19 liable to the United States Government for a civil penalty of not less than \$5,000
20 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation
21 Adjustment Act of 1990 (28 U.S.C. 2461) note; Public Law 104-410, plus 3 times
22 the amount of damages which the Government sustains because of the act of that
23 person.
24

25 (2) Reduced damages.--If the court finds that—

26 (A) the person committing the violation of this subsection furnished officials
27 of the United States responsible for investigating false claims violations with all
28 information known to such person about the violation within 30 days after the date
on which the defendant first obtained the information; such person fully cooperated
with any Government investigation of such violation; and at the time such person
furnished the United States with the information about the violation, no criminal
prosecution, civil action, or administrative action had commenced under this title
with respect to such violation, and the person did not have actual knowledge of the
existence of an investigation into such violation, the court may assess not less than
2 times the amount of damages which the Government sustains because of the act
of that person.

(3) Costs of civil actions.--A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.

(b) Definitions.--For purposes of this section-- the terms "knowing" and "knowingly" --

(A) mean that a person, with respect to information-- has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or acts in reckless disregard of the truth or falsity of the information; and require no proof of specific intent to defraud;

(2) the term "claim"--

(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that-- is presented to an officer, employee, or agent of the United States; or is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government's behalf or to advance a Government program or interest, and if the United States Government-

(I) provides or has provided any portion of the money or property requested or demanded; or

(II) Will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

(B) Does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property;

(3) the term "obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and

(4) The term "material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(c) Exemption from disclosure.--Any information furnished pursuant to subsection (a) (2) shall be exempt from disclosure under section 552 of title 5.

(d) Exclusion.--This section does not apply to claims, records, or statements made under the Internal Revenue Code of 1986.

1 While the False Claims Act imposes liability only when the claimant acts
2 “knowingly,” it does not require that the person submitting the claim have actual
3 knowledge that the claim is false. A person, who acts in reckless disregard or in
4 deliberate ignorance of the truth or falsity of the information, also can be found
5 liable under the Act. 31 U.S.C. 3729(b).
6

7
8 In sum, the False Claims Act imposes liability on any person who submits a
9 claim to the federal government, or submits a claim to entities administering
10 government funds that he or she knows (or should know) is false. An example may
11 be a physician who submits a bill to Medicare for medical services she knows she
12 has not provided. The False Claims Act also imposes liability on an individual who
13 may knowingly submit a false record in order to obtain payment from the
14 government. An example of this may include a government contractor who
15 submits records that he knows (or should know) are false and that indicate
16 compliance with certain contractual or regulatory requirements. The third area of
17 liability includes those instances in which someone may obtain money from the
18 federal government to which he may not be entitled, and then uses false statements
19 or records in order to retain the money. An example of this so-called “reverse false
20 claim” may include a hospital which obtains interim payments from Medicare or
21 Medicaid throughout the year, and then knowingly files a false cost report at the
22 end of the year in order to avoid making a refund to the Medicare or Medicaid
23 program.

24 In addition to its substantive provisions, the FCA provides that private parties
25 may bring an action on behalf of the United States. 31 U.S.C. 3730 (b). These
26 private parties, known as “qui tam relators,” may share in a percentage of the
27 proceeds from an FCA action or settlement.
28

Section 3730(d)(1) of the FCA provides, with some exceptions, that a qui tam
relator, when the Government has intervened in the lawsuit, shall receive at least
15 percent but not more than 25 percent of the proceeds of the FCA action
depending upon the extent to which the relator substantially contributed to the
prosecution of the action. When the Government does not intervene, section
3730(d) (2) provides that the relator shall receive an amount that the court decides
is reasonable and shall be not less than 25 percent and not more than 30 percent.

(3) Administrative Remedies for False Claims (31 USC Chapter 38. §§ 3801 –
3812)

1 This statute allows for administrative recoveries by federal agencies. If a person
2 submits a claim that the person knows is false or contains false information, or
3 omits material information, the agency receiving the claim may impose a penalty
4 of up to \$5,000 for each claim. The agency may also recover twice the amount of
5 the claim. Unlike the False Claims Act, a violation of this law occurs when a false
6 claim is submitted rather than when it is paid. Also unlike the False Claims Act,
7 the determination of whether a claim is false, and the imposition of fines and
8 penalties is made by the administrative agency, not by prosecution in the federal
9 court system.

10 II. NEW YORK STATE LAWS

11 New York State False Claim Laws fall under the jurisdiction of both New York's
12 civil and administrative laws as well as its criminal laws. Some apply to recipient
13 false claims and some apply to provider false claims. The majority of these
14 statutes are specific to healthcare or Medicaid. Yet some of the "common law"
15 crimes apply to areas of interaction with the government and so are applicable to
16 health care fraud and will be listed in this section.

17 A. CIVIL AND ADMINISTRATIVE LAWS

18 1) New York False Claims Act (State Finance Law §§187-194)

19 The New York False Claims Act is similar to the Federal False Claims Act. It
20 imposes penalties and fines upon individuals and entities who knowingly file false
21 or fraudulent claims for payment from any state or local government, including
22 health care programs such as Medicaid. It also has a provision regarding reverse
23 false claims similar to the federal FCA such that a person or entity will be liable in
24 those instances in which the person obtains money from a state or local
25 government to which he may not be entitled, and then uses false statements or
26 records in order to retain the money.

27 The penalty for filing a false claim is six to twelve thousand dollars per claim
28 plus three times the amount of the damages which the state or local government
sustains because of the act of that person. In addition, a person who violates this
act is liable for costs, including attorneys' fees, of a civil action brought to recover
any such penalty. The Act allows private individuals to file lawsuits in state court,
just as if they were state or local government parties, subject to various possible
limitations imposed by the NYS Attorney General or a local government. If the
suit eventually concludes with payments back to the government, the person who
started the case can recover twenty-five to thirty percent of the proceeds if the

1 government did not participate in the suit, or fifteen to twenty-five percent if the
2 government did participate in the suit.

3 So it is clear here if the courts don't tell a party what the true nature of the word
4 means in Court they have committed fraud as this statute comes from the Indiana
5 code dealing with fraud.

6
7 Plaintiffs also feel plaintiffs have thus far more than met the
8
9 guidelines to show these actions fall under the following laws Title 18, U.S.C.,
10 **Section 242 Deprivation of Rights Under Color of Law Title 18, U.S.C., Section 241**
11 **Conspiracy Against Rights, Title 42, U.S.C., Section 14141 Pattern and Practice.** Plaintiffs
12
13 further believe the true nature of these actions cannot be ignored. There is clear and
14
15 concise evidence to show malice and for thought just in the shier volume of arrest
16
17 alone. Plaintiffs also believe the courts should have acknowledged all the concerns
18
19 and case law cited. **U.S. Supreme Court (Miller v. United States, 78 U.S.**
20 **11 Wall. 268 268) (1870). Where one inalienable rights are concerned there**
21 **can be no rule making and exercising ones inalienable rights cannot be turned**
22 **into a crime.)**

23 Claim (7)

24 This claim is based solely on plaintiff's belief and working knowledge
25
26 of law that the following maxims do apply here in the instant case.

27 28 MAXIMS OF LAW

Argumentum simili valet in lege. An argument drawn
from a similar case, or analogy, avails in law. Co. Litt. 191.

Argumentum ab impossibili plurimum valet in lege. An
argument deduced from authority great avails in law. Co. Litt. 92.

Argumentum ab inconvenienti est validum in lege; quia
lex non permittit aliquod inconveniens. An argument drawn from
what is inconvenient is good in law, because the law will not
permit any inconvenience. Co. Litt. 258.

Catalla just possessa amitti non possunt. Chattels justly possessed cannot be lost. Jenk. Cent. 28.

Clausula quæ abrogationem excludit ab initio non valet. A clause in a law which precludes its abrogation, is invalid from the beginning. Bacon's Max. Reg. 19, p. 89.

Claim (8)

Here in plaintiff's final claim you will find the remaining issues which have not yet been alluded to. First is the issue which greatly concerns the plaintiff has what the defendants done rose to the level to meet the requirements of the following statute. This of course should not be decided with a light heart.

Title 18 sect 2381 – Capitol Felony Treason:

“In the presents of two or more witnesses of the same overt act, or in a open court of law, if you fail to timely move to protect and defend the Constitution of the United States and honor your oath of office, you are subject to the charge of capital felony treason.”

Second since the B.A.R. members are in fact considered foreign agents under (Title 8 USC 1481 stated once an oath of office is taken citizenship is relinquished, thus you become a foreign entity, agency, or state. That means every public office is a foreign state, including all political subdivisions. (i.e. every single court and that courts personnel is considered a separate foreign entity) and it's a violation for them to activate the powers of the court against an American citizen under the 11th amendment how did this all happen.

Article XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State

Third issue left here is the sighting of (Chisholm v Georgia 2 Dall 419 where the Courts Ruled only common law may be applied to the people per the United States Constitution) this to was ignored. Yet a more intriguing question now lingered if only laws with Supreme Court rulings stating there in line with the constitution could be applied; what about the remaining laws there are over ten thousand statutes, codes, and regulations. Can they be applied to plaintiffs we look to case law for the answer.

(STATUTES ARE NOT LAWS)

1 "A 'Code' or Statute' is not a Law," (Flournoy v. First Nat. Bank of Shreveport,
2 197 La. 1067, 3 So.2d 244, 248),

3
4 (In Re Self v Rhay Wn 2d 261), in point of fact in Law,) A concurrent or 'joint resolution 'of legislature is not "Law," (Koenig v. Flynn,
5 258 N.Y. 292, 179 N. E. 705, 707;

6
7 Ward v State, 176 Okl. 368, 56 P.2d 136, 137; State ex rel. Todd v. Yelle, 7
8 Wash.2d 443, 110 P.2d 162, 165).

9 All codes, rules, and regulations are for government authorities only, not
10 human/Creators in accord with God's Laws. "All codes, rules, and regulations are
11 unconstitutional and lacking due process of Law.."

12
13 (Rodriques v. Ray Donovan, U.S. Department of Labor, 769 F.2d 1344,
14 1348 (1985)); ...lacking due process[of law], in that they are 'void for ambiguity'
15 in their failure to specify the statutes' applicability to 'natural persons,' otherwise
16 depriving the same of fair notice, as their construction by definition of terms aptly
17 identifies the applicability of such statutes to "artificial or fictional corporate
18 entities or 'persons', creatures of statute, or those by contract employed as agents
19 or representatives, departmental subdivisions, offices, officers, and property of the
20 government, but not the 'Natural Person' or American citizen Immune from such
21 jurisdiction of legalism.

22 "The Common Law is the real law, the Supreme Law of the land. The codes, rules,
23 regulations, policy and statutes are "not the law."
24 (Self v. Rhay, 61 Wn 2d 261), They are the law of government for internal
25 regulation, not the law of man, in his separate but equal station and natural state, a
26 sovereign foreign with respect to government generally.)

27 Ableman v Booth. No state law or court can contradict Federal Court
28 case rulings.

Plaintiffs wondered how the Courts could make such a ruling, so
plaintiffs dug deeper to discover this law. (Title 28 USC 3002 Section
15A states that the United States is a Federal Corporation and not a
Government, including the Judiciary Procedural Section). As well as
(article 1 section 8 clause 14: To make Rules for the Government and
Regulation of the land and naval Forces ;)

Now things are making a little sense corporations rules don't
apply to those who don't work for it. Yet still Congress is supposed to
make law so now plaintiff decided to look at the very meaning of the
word statute which resulted in a crystal clear understanding please pay
close attention to the last five words in the definition that follows.

stat·ute

[stach-oot, -oo t] Show IPA noun

1. Law.

- a. an enactment made by a legislature and expressed in a formal document.
- b. the document in which such an enactment is expressed.

2. International Law. an instrument annexed or subsidiary to an international agreement, as a treaty.

3. a permanent rule established by an organization, corporation, etc., to govern its internal affairs.

Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...;...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects with none to govern but themselves...

Plaintiffs are content they now have shown the statute was not intended to be applied to plaintiffs. It was merely by an egregious mistake these statutes were applied to plaintiffs. Plaintiffs prefer to believe this is the case and it is not a more nefarious issue at hand. But it is important to remember mistakes have consequences. Plaintiffs now respectfully demand the court take judicial cognizance of all court citations, facts of law, and constitutional quotes herein plaintiffs brief and plaintiffs support brief. Consider all evidence provided plaintiffs appreciate the courts time in this matter.

DEMAND RELIEF AND/OR REMEDY REQUESTED

Wherefore, plaintiff demands that this Honorable Court grants the following relief;

- A. A declaratory order stating that defendants entered into a lawful and binding agreement; and Defendants (in their personal and official capacity) are liable for the debt and obligation evidenced on the attached default and dishonor affidavit and invoice.
- B. The award of Damages in an amount no less than \$558,750,080.00 usd
- C. That plaintiff Race and True Nationality be corrected and placed and the record, in all government records.
- D. Plaintiff record is cleared of all conviction and judgments against plaintiffs as to restore plaintiff's good name.
- E. Misclassified and laws misappropriated as a DRIVER for Thirty-Two (32) and never paid for my labor (32 yrs. x 365 days x 24 hrs. x -250.00 USD) \$70,080,000.00
- F. The sum of two Million Dollars per Defendant plus an additional Two Million for the multiple False arrest and false imprisonment actions totaling Twenty million as well an unnamed sum to be decided by the jury should there be no meeting of the minds for an agreement.
- G. Any applicable damages the Court may deem needed.
- H. Such further relief as this Court may deem just and equitable
- I. SEE ATTACHED EXHIBIT D

DEMAND FOR A JURY TRIAL

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

GOVERNMENT HARM TO CITIZENS

Exhibit D

These Damages, in part, were determined
by GOVERNMENT itself for the violation(s) listed

DENIAL

DENIED PROPER WARRANT(S) 18 USC 3571 \$250,000.00 (each violation)(no supporting affidavit, no Miranda warning/ no damaged complaining party, etc.) TIMES X5
DENIED RIGHT OF REASONABLE DEFENSE ARGUMENTS \$250,000.00 18 USC 3571;
DENIED RIGHT TO TRUTH IN EVIDENCE \$250,000.00 18 USC 3571;
DENIED PROVISIONS IN THE CONSTITUTION \$250,000.00 18 USC 3571;
DENIAL OF CLAIM OF SPECIAL APPEARANCE \$250,000 18 USC 3571
DENIAL OF ACCESS TO ALL EVIDENCE \$250,000 (each violation) 18 USC 3571(X6)
DENIAL OF PROVISION IN THE CONSTITUTION 18 USC 3571 \$250,000.00 (each violation)
(US and/or State. Example: Demanding worthless unbacked printed paper (must be coined) FRN's payment of state debts. Clerk proceeding with a foreclosure where the filing fee was not paid in lawful money of substance gold or silver specie coinage in violation of Article 1, Section 10, Clause 1 (a federal injunction))

SLAVERY

SLAVERY (Forced Compliance to contracts not held) \$250,000.00 18 USC 3571 ;(Jan 2019- present day)
ATTEMPTED SLAVERY \$250,000 (each violation) 18 USC 3571(x's 10)
(Forced Compliance to [adhesion] Contracts not held) Example: Requiring a citizen to participate in the Federal Reserve Banking System/Conversion of the Constitutional Right to Travel to a State Privilege i.e. no auto tag, no compulsory insurance, no inspection sticker failure to fasten a seatbelt, failure to stop for inspection, search without proper warrant, etc.
GENOCIDE AGAINST HUMANITY \$1,000,000.00 18 USC 1091;
UNLAWFUL INCARCERATION \$200,000.00;
MISPRISON OF FELONY \$500.00 18 USC 4;
Attempted Genocide 18 USC 1091 \$1,050,000.00 (each violation) (X'S 5)
(Destroying a family, their way to earn a living while taking their home under colour of law and pretended law)
Misprison of Felony 18 USC 4 \$500.00 (each violation) (X'S 3)
PEONAGE (debt slavery) (Felony) \$200,000.00 18 USC 1581, 42 USC 1994; (X'S 3)

ARMED

ARMED ABUSE OF OFFICE \$200,000.00; (X'S 3)
ARMED ABUSE OF AUTHORITY \$200,000.00; (X'S 3)
ARMED USE OF EMERGENCY LIGHTING IN A NON-EMERGENCY \$200,000.00; (X'S 1)
ARMED USE OF EMERGENCY SIREN IN A NON-EMERGENCY \$200,000.00; (X'S 1)
ARMED THREAT OF VIOLENCE \$200,000.00;
ARMED COERCION \$200,000.00;
ARMED VIOLATION OF DUE PROCESS \$200,000.00; (X'S 3)
ARMED DEPRIVATION OF RIGHTS UNDER COLOR OF LAW \$200,000.00 18 USC 242; PER DAY@240 DAYS. \$48,000,000.00
ARMED TRESPASS \$200,000.00; TIMES 3
ARMED GANG PRESSING \$200,000.00; TIMES 3
ARMED LAND PIRACY/PLUNDER \$200,000.00;
ARMED IMPERSONATING A PUBLIC OFFICIAL \$200,000.00; TIMES 3
ARMED OPERATING STATUTES WITHOUT BOND \$200,000.00; TIMES 3
ARMED DISTURBING THE PEACE \$200,000.00; TIMES 3
ARMED KIDNAPPING \$200,000.00 18 USC 1201;
ARMED MALFEASANCE/MALPRACTICE \$200,000.00 22 CFR 13.3;
ARMED MISREPRESENTATION/PERSONAGE \$200,000.00; TIMES 3
ARMED CONSPIRACY AGAINST RIGHTS OF PEOPLE \$200,000.00 18 USC 241; 240 DAYS(\$48,000,000.00
ARMED CRIMINAL EXTORTION/ ECONOMIC OPPRESSION \$200,000.00 18 USC 141, 872, 25 CFR 11.417; TIMES 3
ARMED EXTORTION OF RIGHTS \$200,000.00 Title 15; 240 DAYS(\$48,000,000.00)
ARMED THEFT BY FORCED REGISTRATION \$200,000.00;;
ARMED FRAUD \$10,000.00 18 USC 1001; TIMES 3
ARMED VIOLATION OF LIEBER CODE AGAINST NON-COMBATANTS \$200,000.00; TIMES 3
ARMED WRONGFUL ASSUMPTION OF STATUS/STANDING \$200,000.00; TIMES 3
ARMED FALSIFICATION OF DOCUMENTS/RECORD \$10,000.00 18 USC 1001, 26 USC 7701(a)(1); X'3
ARMED FICTITIOUS OBLIGATIONS \$200,000.00 18 USC 514; TIMES 3
ARMED PERJURY \$2,000.00 18 USC 1621;

ARMED SUBORDINATION OF PERJURY \$2,000.00 18 USC 1622
ARMED RACKETEERING (Criminal, Felony) \$200,000.00 18 USC 1961-1968; TIMES 3
ARMED RACKEREERING (Civil) \$200,000.00; TIMES 3

VIOLATION OF OATH

BREACH OF CONTRACT 18 USC 3571 \$250,000 (each violation);
ARMED TREASON, WAR AGAINST AMERICANS \$250,000.00 18 USC 3571; 240 DAYS (60,000,000.00)
VIOLATION OF OATH OF OFFICE \$250,000.00, 28 USC 3002(15); TIMES 3
Treason (combined above acts) 18 USC 3571 \$250,000.00 (each violation) TIMES 6
Falsifying jurisdiction (trying a common law matter under colourable maritime) trying a state matter under false color of jurisdiction in the U.S. District Court outside of the 10-square mile provision at Article 1, Section 8, Clause 17)

TAX

TAX EVASION \$ To be determined by Internal Revenue Service (IRS);
MISAPPROPRIATION OF TAXPAYER FUNDS \$200,000.00 18 USC 641-664;

HARM

EMOTIONAL DISTRESS \$200,000.00 32 CFR 536.77(a)(3)(vii);
MENTAL ANGUISH ABUSE \$200,000.00 42 CFR 488.301;
NEGLECT/FAILURE TO PROTECT/ACT \$200,000.00 18 USC 1621, 42 USC 1986;
VIOLATIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ARMED BREACH OF TRUST \$200,000.00;
Conspiracy (2 or more people) 18 USC 241 \$10,000.00 (each violation)
Attempted Extortion 18 USC 872 \$5,000.00 (each violation)
(Claiming a debt not owed under the U.S. or State Constitutions) Example: collecting a form of taxes, i.e. Property/Automobile taxes not authorize by the U.S. Constitution.
(Holding a Certified Money Order and pretending it does not exist, a felony as per U.S. v. Tweel, 550 F.2d 297, 299, 300.
Grand Theft
(see no. of counts 18 USC 2112) 18 USC 3571 \$5,000.00 (each violation)
Racketeering (Civil) 18 USC 1694 \$25,000.00 (each violation)
Racketeering (Criminal) 18 USC 1963 \$250,000.00 (each violation)
Concealment, removal, mutilation 18 USC 2071 (look up for \$ amount)
Converting a Constitutional Right to a State granted Privilege \$250,000.00 (each violation) 18 USC 3571
APPARTIDE (segregation or discrimination) \$1,000,000.00;
DEFAMATION OF CHARACTER \$200,000.00;
SLANDER \$200,000.00;
LIBEL \$200,000.00;

FRAUD

Fraud 18 USC 1001 \$5,000.00 (each violation)
Falsification of Documents 18 USC 1001 \$5,000.00 (each violation)
Perjury 18 USC 1621 \$5,000.00 (each violation)
Subordinating of Perjury 18 USC 1621 \$5,000.00 (each violation)
Mail Fraud and Mail Threats 18 USC 876 \$5,000.00 (each violation)
DEFENSE EVIDENCE (RECORDS) \$250,000.00 18 USC 3571;

MAIL

MAIL THREATS \$5,000.00 18 USC 876;
MAIL FRAUD \$10,000.00 18 USC 1341;

BOND

UNAUTHORIZED BOND PRODUCTION \$200,000.00;

BAR ISSUES

ACTING AS AGENTS OF FOREIGN PRINCIPLES \$200,000.00 18 USC 219;
EXPLOITATION OF A LEGAL JUSTICE MINORITY GROUP BY BAR CLOSED UNION COURTS-CIVIL RIGHTS \$1,000,000.00;
BAR VIOLATION OF ANTI-TRUST LAWS \$200,000.00;
FICTICIOUS CONVEYANCE OF LANGUAGE \$200,000.00 Chap. 2b 78FF;
MALICIOUS PROSECUTION \$200,000.00;

LAWSUIT VALUE: Damages Taken will be multiplied by 3 (three) per 18 USC 1964 (c); Sustained Damages will be the total of the above and Below multiplied by 3 (three).

New York Vehicle Traffic Code is being mis-applied	My substantial common law and natural rights and the Fourth, Fifth, Sixth, eleventh and Tenth Amendment violated	Commercial Lien	-1,000,000.00
human rights violation	Classified as a DRIVER for Thirty-Two (32) and never paid for my labor (32 yrs. x 365 days x 24 hrs. x -250.00 USD)	Administrative Process	- 70,080.000.00 Plus compounding interest
Article 26 7701 (h) Motor Vehicle Leases (1)	Never agreed to be in a trade or Business more than 50% in my private automobile, never made any statements under penalty of Perjury. No Evidence of Shipping Logs, Employment Application as a driver, Inventories, Receipts, Bills, Orders. Certificate is False.(C) (i)	Administrative Process/ Arbitration	TBD
COLOR OF LAW	Interference in Liberty, freedom, health: 42 U.S.C.§1983-Civil Action for Deprivation of Rights,18USC§1986, 18USC§241-Conspiracy against rights, 18USC§242	Administrative Process/ Arbitration	250,000.00
Treason against the American People	By levying war against their constitution or aiding its enemies (Article III, Section, 18 USC Section 2381)	Administrative Process/ Arbitration	250,000.00
Impeding Due Exercise of Rights	By attempting to prevent, obstruct, impede or interfere with same (18 USC Sec 1509)	Administrative Process/ Arbitration	250,000.00
Insurrection against the Constitution	By inciting, assisting or engaging in rebellion against the Constitutional Government	Administrative Process/ Arbitration	250,000.00
	TOTAL AMOUNT OF CHARGES: 107	107	107
	TOTAL AMOUNT OF DAMAGES:	298,758,500.00	298,758,500.00
	IN GOLD .999 COINS AS PER Art 1 Sec 10 CONST X3	896,275,500	896,275,500.00

DEMAND RELIEF AND/OR REMEDY REQUESTED

Wherefore, plaintiff demands that this Honorable Court grants the following relief;

- A. A declaratory order stating that defendants entered into a lawful and binding agreement; and Defendants (in their personal and official capacity) are liable for the debt and obligation evidenced on the attached default and dishonor affidavit and invoice.
- B. The award of Damages in an amount no less than **\$298,758,500.00** usd
- C. That plaintiff Race and True Nationality be corrected and placed and the record, in all government records.
- D. Plaintiff record is cleared of all conviction and judgments against plaintiffs as to restore plaintiff's good name.
- E. Misclassified and laws misappropriated as a DRIVER for Thirty-Two (32) and never paid for my labor (32 yrs. x 365 days x 24 hrs. x -250.00 USD) \$70,080,000.00
- F. The sum of two Million Dollars per Defendant plus an additional Two Million for the multiple False arrest and false imprisonment actions totaling Two hundred ninety-eight million, Seven hundred fifty-eighty thousand, five hundred dollars or its equivalent as well an unnamed sum to be decided by the jury should there be no meeting of the minds for an agreement.
- G. Any applicable damages the Court may deem needed.
- H. Such further relief as this Court may deem just and equitable

DEMAND FOR A JURY TRIAL

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

I SOLOMELY SWEAR UNDER PENALTY OF PERJURY THAT ALL HEREIN IS TRUE AND ACCURATE TO BEST OF MY KNOWLEDGE.

Dated this 22ND of August, 2019.

By: Elisha Amir

Elisha Amir, American Republic National

NOTARY ACKNOWLEDGEMENT

JURAT

STATE OF New York,
COUNTY OF Erie, ss:

This Affidavit was acknowledged before me on this 22nd day of AUGUST, year 2019 by Elisha Amir, Ex Rel: Cordell D. Harris who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him, and that the matters stated herein are True & Correct to the best of his information, knowledge and belief.

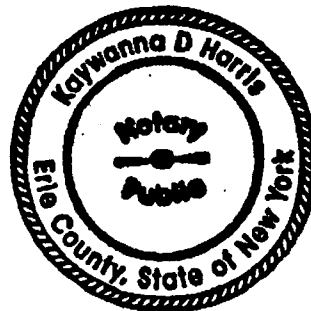
Notary's seal

[Signature]
Notary Public signature

8/22/2019
Date signed

Notary 01HA6327916
Title (and Rank)

My commission expires 7/20/2023



NOTICE AND CONCLUSION IN LAW

So, in closing it is clear petitioners /plaintiffs must have their funds, refunded if PLAINTIFFS have paid under Title 28 U.S.C. 1914 – (District court; filing and miscellaneous fees; rules of court) or not be charged at all, as the sovereign people are entitled to free access of the courts. Plaintiffs believe this is proper, in any form, as the people's tax dollars fund these courts. If the people are not, to have free access then the tax dollars should stop flowing, for this purpose. Because it would mean the courts, are receiving enumeration twice. Once by taxes then paid, again by the people paying for a use of the courts, when, their tax dollars had already paid. Petitioners also respectfully demands the Federal Magistrate takes judicial notice of all herein under RULE 201 (d) which is adjudicated facts. Petitioners also gives notice to the Federal Magistrate, that the Magistrate is bound by US Supreme Court rulings please see the following. Howlett V. Rose, 496 U.S. 356 (1990) Federal Law and Supreme Court cases apply to State court cases. (Cooper v. Aaron, 358 U.S. 1) (1958)--States are bound by United States Supreme Court Case decisions.

ARREST WARRANT PG. 1

INTERFERENCE, COERCION, OR INTIMIDATION
PROHIBITION AGAINST RETALIATION AND COERCION

Oaths of justices and judges

Filing false or misleading statements Sec. 5

Capitol Felony Treason

Taft- Hartley Act of 1947 (over throw of a Constitutional form of Government)

Smith Act of 1940 (over throw of a Constitutional form of Government)

Hobbs Act

ARMED ABUSE OF OFFICE

ARMED ABUSE OF AUTHORITY

ARMED USE OF EMERGENCY LIGHTING IN A NON-EMERGENCY;

ARMED USE OF EMERGENCY SIREN IN A NON-EMERGENCY

ARMED ASSAULT AND BATTERY;

ARMED THREAT OF VIOLENCE

ARMED COERCION

ARMED VIOLATION OF DUE PROCESS

ARMED DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

ARMED TRESPASS

ARMED GANG PRESSING

ARMED LAND PIRACY PLUNDER

ARMED FORGERY

ARMED EMBEZZLEMENT

ARMED IMPERSONATING A PUBLIC OFFICIAL

ARMED OPERATING STATUTES WITHOUT BOND

ARMED DISTURBING THE PEACE

ARMED KIDNAPPING

ARMED MALFEASANCE/MALPRACTICE

ARMED MISREPRESENTATION/PERSONAGE

ARMED CONSPIRACY AGAINST RIGHTS OF PEOPLE 18 USC 241;

ARMED CRIMINAL EXTORTION/ ECONOMIC OPPRESSION 18 USC 141, 872, 25 CFR 11.417;

ARMED EXTORTION OF RIGHTS Title 15;

ARMED THEFT BY FORCED REGISTRATION

ARMED FRAUD 18 USC 1001;

ARMED VIOLATION OF LIEBER CODE AGAINST NON-COMBATANTS;

ARMED WRONGFUL ASSUMPTION OF STATUS/STANDING

ARMED FALSIFICATION OF DOCUMENTS/RECORD 18 USC 1001, 26 USC 7701(a)(1);

ARMED FICTITIOUS OBLIGATIONS 18 USC 514;

ARMED PERJURY 18 USC 1621;

ARMED SUBORDINATION OF PERJURY 18 USC 1622

ARMED RACKETEERING (Criminal, Felony) 18 USC 1961-1968;

ARMED RACKEREERING (Civil)

VIOLATION OF OATH

BREACH OF CONTRACT 18 USC 3571

ARMED TREASON, WAR AGAINST AMERICANS 18 USC 3571:

VIOLATION OF OATH OF OFFICE, 28 USC 3002(15):

Treason (combined above acts) 18 USC 3571

Falsifying jurisdiction (trying a common law matter under colourable maritime) trying a state matter under false colour of jurisdiction in the U.S. District Court outside of the 10-square mile provision at Article I, Section 8, Clause 17)

Preservation of certified copy; fees

We hereby charge the above criminals with all the offenses, which are felonies and high crimes: in violation of Title United States Code, Section(s) listed Below, on this Warrant:

Code Section	Offense Description
count 1 18 USC §1512 (3)... (c) (2)	Tampering with a witness, victim, or an informant
count 2 18 USC § 2071	Concealment, removal, or mutilation generally
count 3 18 USC § 2076	Clerk of United States District Court
count 4 15 § 1122 (b) (c)	(b) Waiver of sovereign immunity by States (c) Remedies
count 5 18, U.S.C., § 242	Deprivation of Rights Under Color of Law
count 6 5 USC § 3331	Oath of office
count 7 18U.S.CODE§2	PRINCIPALS
count 8 18U.S.CODE§1201	KIDNAPPING (weapons were involved)
count 9 18 U.S.C. § 3	Accessory after the fact
count 10 18 U.S.C. § 4	Misprision of felony
count 11 10 U.S.CODE§333	INTERFERENCE WITH STATE AND FEDERAL
count 12 42 U.S.CODE§1985	LAW
count 13 42 U.S.CODE§3617	CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS
count 14 42 U.S.CODE§12203	INTERFERENCE, COERCION, OR INTIMIDATION
count 15 28 USC § 453	PROHIBITION AGAINST RETALIATION AND
count 16 IC 23-19-5-5	COERCION
count 17 18 § 2381	Oaths of justices and judges
count 18 29 U.S. § 401-531	Filing false or misleading statements Sec. 5
count 19 18 U.S. § 2385	Capitol Felony Treason
count 20 IC5-4-1-7	Taft- Hartley Act of 1947 (over throw of a Constitutional form of Government)
	Smith Act of 1940 (over throw of a Constitutional form of Government)
	Preservation of certified copy; fees

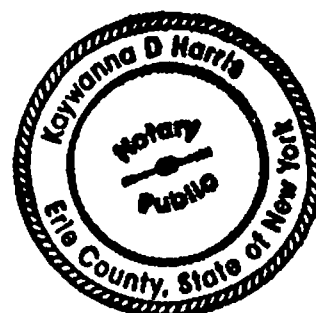
JURAT

New York State)
) ss
Erie County)

The above named Libellant, Affiant, Claimant, Elisha Amir Royal El, Heir, Secretary and Executive Beneficiary heir of CORDELL D. HARRIS appeared before me, a Notary, subscribed, sworn to the truth of this contractual WARRANT FOR ARREST under oath this 15th day of August, 2019.

Kayanna D. Harris
Notary 02HA 6327914

SEAL



My Commission Expires 7/20/2023 IN WITNESS WHEREOF, I hereunto set my hand on this 15th day of August, 2019 and that the Libellant/Claimant/Plaintiff hereby affirms all of the statements made above are true, correct, complete, and are not misleading.

CIVIL COVER SHEET

19

CV1120

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS <u>Eliska Amir</u> <u>Authorized signature for Cordell Harris Prose</u> (b) County of Residence of First Listed Plaintiff <u>El RE</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number)	DEFENDANTS <u>Emilia Irene Rodriguez</u> County of Residence of First Listed Defendant <u>El RE</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input checked="" type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)			Click here for: Nature of Suit Code Descriptions.			
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS <table style="width: 100%;"> <tr> <td style="vertical-align: top;"> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice </td> <td style="vertical-align: top;"> PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability </td> </tr> </table>	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability					
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement				

V. ORIGIN (Place an "X" in One Box Only) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>42 USC 1983, 1985, 1986</u> Brief description of cause: <u>VIOLATIONS UNDER COLOR OF LAW</u>
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VII. REQUESTED IN COMPLAINT: <input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY (See instructions):	JUDGE <u>Kevin J. Keane</u>	DOCKET NUMBER <u>00551</u>
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DATE	SIGNATURE OF ATTORNEY OF RECORD
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FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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